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ABSTRACT

Questionnaires gathered opinions of all Occupational Safety and Health Administration (OSHA) field supervisors and a randomly selected sample of one-third of the compliance officers about OSHA's approach to improving workplace safety and health. Major topics addressed were enforcement, safety and health standards, education and training, employer involvement, and worker involvement. A total of 336 usable questionnaires from a sample of 477 were returned. About 40 percent thought OSHA's enforcement program was effective; about 95 percent thought the inspection force needed to be increased; about 75 percent thought civil fines were inadequate to serve as a deterrent to safety and health violations; and about 80 percent thought increased use of criminal sanctions would greatly reduce violations. Inspectors identified over 75 safety and health hazards that were unregulated but should have been and believed health standards were more difficult for employers to understand than safety standards. Most reported that lack of knowledge contributed greatly to work-related injuries and illnesses and believed OSHA's efforts to increase knowledge about workplace safety and health were moderately effective for employers and less effective for workers. Most thought current levels of employer and worker involvement in safety and health activities were too low. (Appendixes include survey objectives, scope, and methodology; respondent profile; and survey questions with responses.) (YLB)

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United States General Accounting Office

GAO

Fact Sheet for Subcommittee on Health and Safety, Committee on Education and Labor, House of Representatives

November 1990

OCCUPATIONAL SAFETY & HEALTH

Inspectors' Opinions on Improving OSHA Effectiveness

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GAO

United States
General Accounting Office
Washington, D.C. 20548

Human Resources Division

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November 14, 1990

The Honorable Joseph Gaydos
Chairman, Subcommittee on Health and Safety
Committee on Education and Labor
House of Representatives

The Honorable Paul Henry
Ranking Minority Member
Subcommittee on Health and Safety
Committee on Education and Labor
House of Representatives

At your request, to identify ways in which worker safety and health might be improved in this country, we conducted a broad review of Occupational Safety and Health Administration (OSHA) activities and issued a report.[1] This fact sheet supplements the information contained in that report with more detail from a questionnaire that we sent to OSHA inspectors (for convenience, when we refer to compliance officers and supervisors jointly, we call them "inspectors"). We believe the responses provide a valuable perspective concerning the day-to-day operations of the OSHA program as it is being enforced. Nevertheless, inspectors provide just one part of the total picture about occupational safety and health in the workplace. Their opinions need to be considered with the views of others—such as employers, workers, and other federal and state OSHA staff—in formulating any new occupational safety and health strategy.[2]

In May 1989, we mailed copies of the questionnaire to all field supervisors and a randomly selected sample of one-third of the compliance officers. We designed the questionnaire to gather inspector opinions about OSHA's approach to improving workplace safety and health. The major topics addressed in the survey were (1) enforcement, (2) safety and health standards, (3) education and training, (4) employer involvement, and (5) worker involvement.

Except for the brief background material presented at the beginning of each section, we report the opinions and experiences of inspectors. On

[1]Occupational Safety and Health: Options for Improving Safety and Health in the Workplace (GAO/HRD-90-66BR, Aug. 24, 1990).

[2]In 21 states and 2 territories, the states have developed and operate their own safety and health programs with OSHA approval. OSHA may fund up to 50 percent of the cost of operating these programs. Inspectors in these states and territories were not sent the questionnaire.

the basis of answers from the 336 survey respondents, we estimate—with an accuracy of plus or minus 7 percent or less—the opinions of inspectors doing or supervising inspections in fiscal year 1988 (see app. I). The results that we present reflect the combined responses of all inspectors, except for those questions for which we observed significant differences between respondent groups. For example, when compliance officers and supervisors gave very different responses to the same question, these differences are noted. In addition, we provide some specific examples of statements from survey respondents, which are meant to illustrate typical remarks, not necessarily to reflect the consensus of respondents.

Background

In 1970, the Congress enacted the Occupational Safety and Health Act. The act has the goal of "assuring, so far as possible, for every working man and woman in the nation safe and healthful working conditions." The act gives the Department of Labor the responsibility for carrying out most of its provisions. Subsequently, the Secretary of Labor established OSHA to administer the act.

OSHA sets mandatory safety and health standards, rules, and regulations; inspects private sector worksites through its 10 regional and 79 area offices in 29 states, the District of Columbia, and some U.S. territories; and assesses penalties and prescribes abatement duties for employers found violating the standards or failing to meet their "general duty" to provide a safe and healthful workplace. In addition, OSHA provides occupational safety and health education to workers and employers.

Inspectors' Opinions

OSHA Enforcement

Of the inspectors, about 40 percent think that OSHA's enforcement program is effective; 19 percent think that it is ineffective; and 41 percent did not characterize it as either effective or ineffective. The following are four particularly significant findings concerning inspector opinions on enforcement:

- About 95 percent of the inspectors think that the inspection force need to be increased in order for OSHA to carry out its enforcement responsibilities.

- About 75 percent of the inspectors think that the civil fines allowed in the act, at the time of our survey, are inadequate to serve as a deterrent to safety and health violations.
- About 80 percent of the inspectors think that increased use of criminal sanctions would have a "great" or "very great" effect on reducing violations.
- There is a lack of consensus about the effectiveness of OSHA's policies for targeting the most hazardous worksites for safety and health inspections.

Safety and Health Standards

At the time of survey completion, inspectors identified over 75 safety and health hazards that were unregulated, but should have been. Generally, safety inspectors believe that more safety hazards are specifically covered by standards than health inspectors believe health hazards are.

According to the inspectors, health standards are more difficult for employers to understand than safety standards. About half of the health inspectors think that health standards are "difficult" or "very difficult" for employers to understand.

To speed the promulgation of standards and to give employers more flexibility in how they correct hazards, OSHA began issuing (1) standards that cover multiple hazards (generic standards) and (2) standards that specify the desired outcome, but not the steps that must be taken to reach that outcome (performance-based standards). However, most inspectors do not think that these types of standards can, by themselves, replace standards that address specific individual substances or specify the way hazards should be avoided.

Education and Training Efforts

Concerning workplace health and safety regulations as well as hazards, most inspectors reported that lack of knowledge contributes greatly to work-related injuries and illnesses. They think that the amount of employer knowledge is moderate overall, with workers having less knowledge than employers. Inspectors also believe that OSHA's efforts to increase knowledge about workplace safety and health are moderately effective for employers and somewhat less effective for workers.

Employer and Worker Involvement

Most inspectors think that current levels of employer and worker involvement in safety and health activities are too low. Inspectors think that employers should be required to develop and implement workplace

safety and health programs, thereby improving safety and health in t workplace; in addition, workers should be more involved in the enfor ment program by more often requesting inspections, accompanying inspectors on inspections, and participating in settlement discussions.

Sections 1 through 5 of this fact sheet present the survey results in m detail, organized by the topics covered in the questionnaire: enforcement, safety and health standards, education and training, employer involvement in safety and health programs, and worker involvement. Appendix I contains our survey objectives, scope, and methodology, including our questionnaire procedures and sampling methods. Appendix II is a brief profile of the inspectors who responded to our survey. Appendix III presents the actual survey questions and the tall of responses for each.

Agency Comments

We briefed OSHA officials on the survey results and obtained their oral comments on the draft report. On the basis of their comments, we mac changes to the report as appropriate. In subsequent correspondence (s app. IV), however, the Assistant Secretary for Occupational Safety an Health stressed his belief that some of the opinions represented in the report reflect "an institutional state of mind which may have changed over the past year" as a result of "significant changes in OSHA's operations."

We agree with the Assistant Secretary that OSHA has made changes tha may have affected inspectors' overall assessment of the program's effectiveness. For example, OSHA has increased its inspector work forc and appears to be recommending civil and criminal penalties more aggressively. Nevertheless, most of the operations that concerned inspectors remain unchanged, including the following: (1) OSHA is still using the same data for targeting safety and health inspections that inspectors believed to be inadequate; (2) criminal sanctions still can be used only when the employer's violation of an OSHA regulation results i the death of a worker; (3) in cases of imminent danger, inspectors still cannot shut down an employer's operations without first obtaining a court order; and (4) safety and health programs are still not required in general industry. In our report, we note the instances where a specific policy or program change took place between the time of our survey ar report issuance.

We are sending copies of this report to the Secretary of Labor and other interested parties. Should you have any questions or wish to discuss the information provided, please call me at (202) 275-1793. Other major contributors to this fact sheet are listed in appendix IV.

Franklin Frazier

Franklin Frazier
Director, Education
and Employment Issues

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Abbreviations

BLS	Bureau of Labor Statistics
LWDI	lost workday injury
OSH Act	Occupational Safety and Health Act
OSHA	Occupational Safety and Health Administration

Enforcement

Background

In fiscal year 1989, OSHA devoted two out of every three program dollars to enforcement activities, including doing worksite inspections; citing employers for violations of OSHA regulations and standards; and determining, through follow-up inspections or employer verification, whether employers "abate" (eliminate or lessen) hazardous conditions.

At the time of our survey, OSHA employed about 1,100 inspectors to enforce health and safety standards for over 3.6 million employers in the United States.[1] Of the inspection force, compliance officers make up about 86 percent and supervisors, the remaining 14 percent.

Aspects Covered by Questions

For the survey questions related to OSHA enforcement activities, we focused on seven aspects: overall effectiveness, inspection targeting, complaints, civil penalties, criminal prosecutions, abatement, and imminent danger. We compared the inspector responses to these questions by groups: safety officers, health officers, safety supervisors, and health supervisors. Unless noted, the responses made by the individual groups did not differ significantly. The individual comments included in this report are meant to illustrate typical remarks, not necessarily to reflect the general consensus of the respondents.

Enforcement Overview

Lack of Consensus on Effectiveness of OSHA's Enforcement Program

About 40 percent of the inspectors indicated that OSHA's overall enforcement strategy is effective in ensuring safe and healthful workplaces (see fig. 1.1). A similar percentage of inspectors believe the strategy is effective in ensuring compliance with safety and health standards. However, another 40 percent of the inspectors did not characterize OSHA's enforcement strategy as either "effective" or "ineffective."[2] Safety supervisors were more supportive of the current enforcement strategy than other respondent groups. Of the safety supervisors, 61 percent believe that

[1]State-operated programs have enforcement responsibility for an additional 2.3 million employers with about 34 million workers.

[2]Inspectors may be more supportive of OSHA's enforcement program, as of October 1990, given OSHA's more aggressive pursuing of civil and criminal penalties in fiscal year 1990.

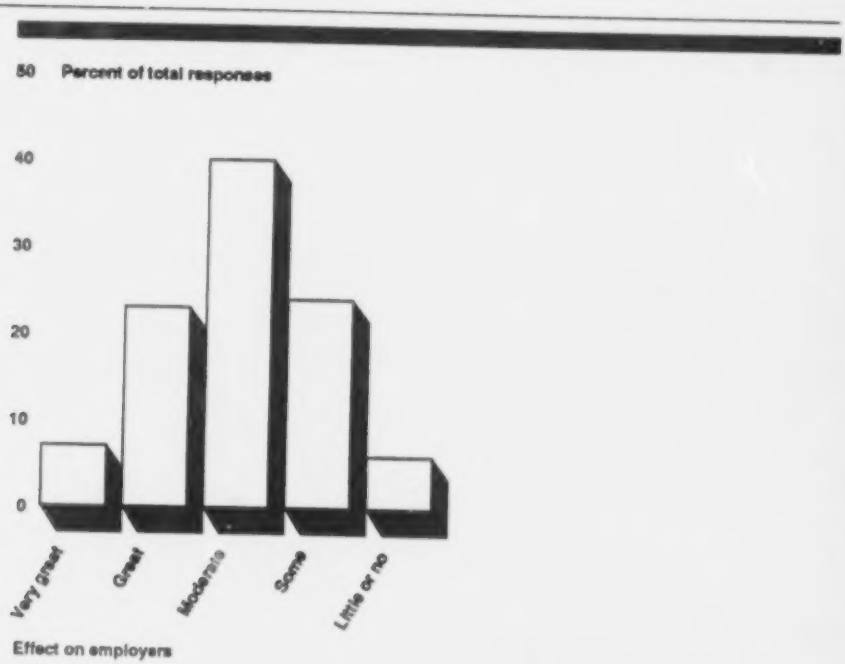
the strategy is "effective" or "very effective," compared with 41 percent of the safety officers, 33 percent of the health officers, and 34 percent of the health supervisors.

Figure 1.1: OSHA's Overall Effectiveness

Possibility of Inspection Has an Effect on What Employers Do

We asked inspectors whether the possibility of an OSHA inspection has any effect on what employers do to ensure safe and healthful workplaces. Nearly all of them (94 percent) believe that it has some effect; about 30 percent believe that the possibility of an inspection has a "great" or "very great" effect on what employers do (see fig. 1.2).

Figure 1.2: Effect of the Possibility of an OSHA Inspection on Employer Safety and Health Activities

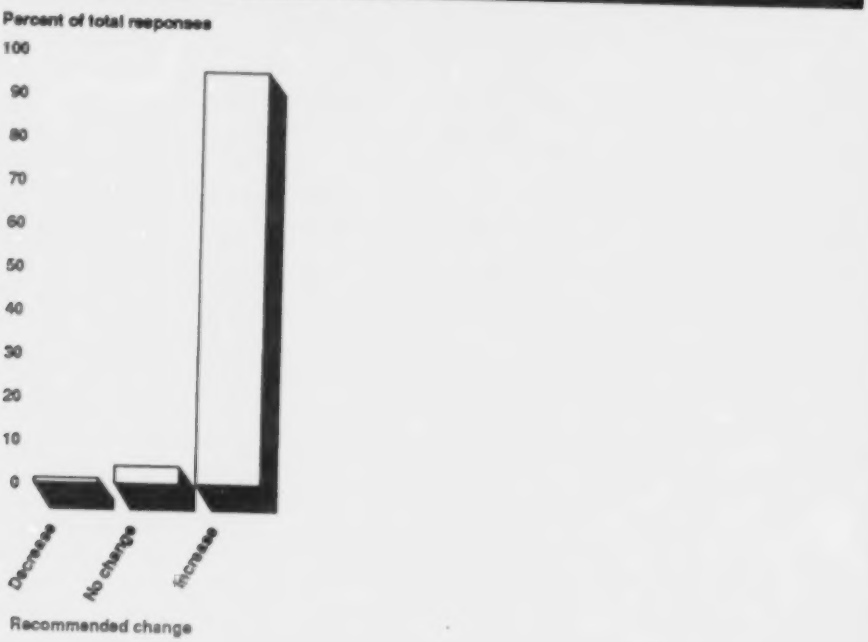


OSHA Needs More Compliance Officers

Inspectors believe that the present number of compliance officers (abo 800 doing inspections) is not enough to carry out OSHA's enforcement responsibilities; 95 percent believe that OSHA needs to increase its inspe tion force (see fig. 1.3).[3] Some inspectors commented that they are able to do few inspections other than complaint inspections.

[3]Specifically, 60 percent think that OSHA should "greatly increase" the current number of compliance officers; 35 percent think that OSHA should "increase" the number of compliance officers. In fiscal year 1990, OSHA increased its inspection force by 189 compliance officers over the level at the time of our questionnaire survey.

Figure 1.3: Changes in Number of OSHA Compliance Officers Recommended by Inspectors



One-Fourth of the Inspectors Believe That Employers Get Advance Notice of Inspections

Unannounced workplace inspections are a key component of an effective enforcement strategy. The act stresses the importance of this component by providing criminal penalties for anyone who gives advance notice of an inspection. Still, about one-fourth of the inspectors believe employers sometimes know beforehand about targeted inspections.

Inspection Targeting

Since OSHA is unable to inspect every workplace, the agency sets priorities for inspections. OSHA uses several data bases to identify high hazard industries. For manufacturing industries, OSHA obtains data from the Bureau of Labor Statistics about industries with above-average lost workday injury (LWDI) rates,[4] providing area offices with a list of worksites in these industries. For the construction industry, OSHA obtains a listing of local construction sites. For health, OSHA uses its inspection data to identify industries with a substantial number of past serious health violations.

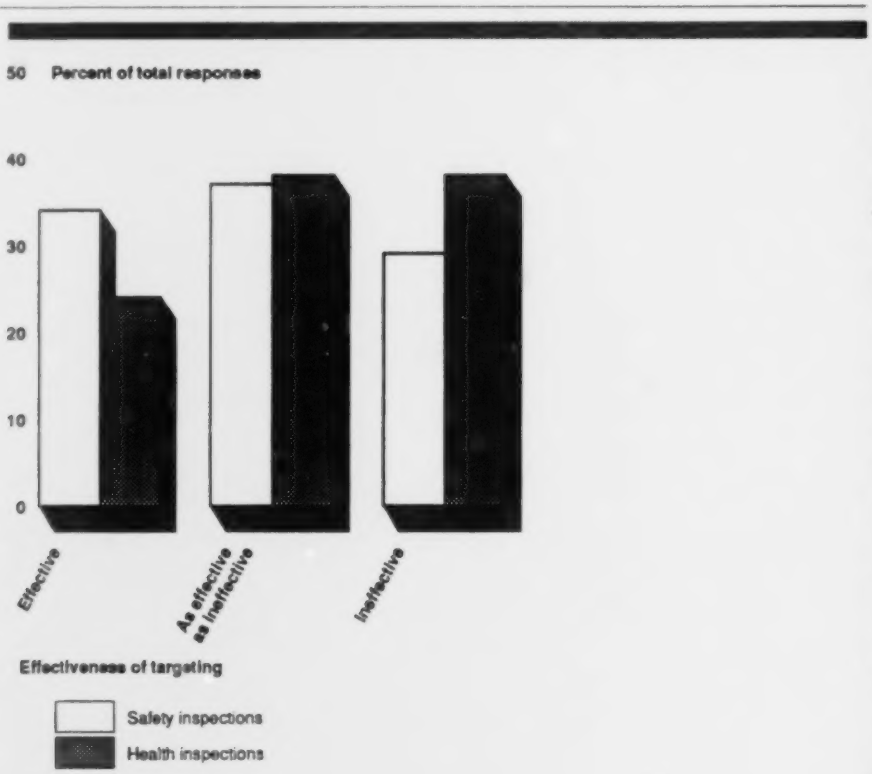
[4]LWDI is a workplace injury or illness resulting in an employee's being absent from work, assigned to restricted work activity, or both for 1 or more days.

We asked inspectors about OSHA's safety and health targeting policies and the data needed to identify hazardous worksites.

Lack of Consensus on Effectiveness of OSHA's Targeting Policies

A little over one-third of the inspectors did not characterize policies for targeting the most hazardous worksites for health and safety inspections as either "effective" or "ineffective" (see fig. 1.4). However, 34 percent of the inspectors think that safety targeting policies are effective, compared with 24 percent who think that health targeting policies are effective.[5]

Figure 1.4: Effectiveness of Inspection Targeting for Safety and Health Inspections



[5]We summarized only safety inspector comments about safety targeting and only health inspector comments about health targeting.

About half of the respondents (170) provided written comments concerning OSHA's targeting system.[6] Most frequently, respondent comments were like these:

- OSHA does few programmed inspections because resources are inadequate to do both programmed inspections and complaint inspections (37 respondents).
- OSHA's inspection targeting procedures result in the same companies being inspected year after year. Some inspectors expressed their concern that hazardous worksites were not being inspected because they were (1) too far down on the inspection list or (2) not on the list at all (25 respondents).[7]
- OSHA's method for targeting construction sites for inspection could be improved. In December 1988, OSHA contracted with the University of Tennessee to provide computer-generated inspection lists to the area offices. Some of the inspectors think that these lists often provide sites that are inactive and leave out others (23 respondents).

Information Needed to Target Enforcement Efforts

We asked safety and health inspectors two questions: (1) What information best identifies the worksites that should be inspected? (2) What data are currently unavailable, but would help locate the sources of problems at a worksite? Of the 241 inspectors who responded, only about 20 percent identified the data currently used by OSHA to target inspections in their specialty (safety or health) as the best data to use. Respondents identified data about an individual company's injuries, illnesses, worksite processes, and chemical use as better data to target inspections (see table 1.1).

[6]We use the term "respondent" to refer to comments made by the specific inspectors who responded to our questionnaire. In contrast, we use the term "inspector" when we estimate the opinions of all inspectors. (See app. I.)

[7]In July 1989, OSHA changed its targeting procedures in ways that reduce the likelihood of worksites' being inspected year after year. However, worksites that are not in a high-hazard industry are rarely inspected, unless OSHA receives a complaint.

Table 1.1: Respondents' Comments on Best Data for Targeting Safety and Health Inspections

Safety	Respondents
Individual company's injuries, including their severity	51
Data currently used by OSHA	41
Workers' compensation claims or insurance claims	23
Company's or industry's manufacturing processes and working conditions	22
Health	
Company's or industry's processes and chemical use	42
Data currently used by OSHA	9
Information from workers or their representatives	9
Workers' compensation claims or insurance claims	7

Note: Comments about safety data were made by safety inspectors. Similarly, health comments were made by health inspectors.

Of the data currently unavailable to them, respondents most often cited workers' compensation and insurance claims as information that would be helpful in locating sources of safety and health problems during inspections (see table 1.2).

Table 1.2: Respondents' Comments on Information Currently Unavailable That Would Help Locate Sources of Safety and Health Problems During Inspections

Safety	Respondents
Workers' compensation and insurance claims	25
More information from workers and their representatives	15
Health	
Company's or industry's processes or chemical use	2
Training and resource materials, such as technical manuals	14
Workers' compensation and insurance claims	12
Referrals from the medical community	6

Note: Comments about safety data were made by safety inspectors. Similarly, health comments were made by health inspectors.

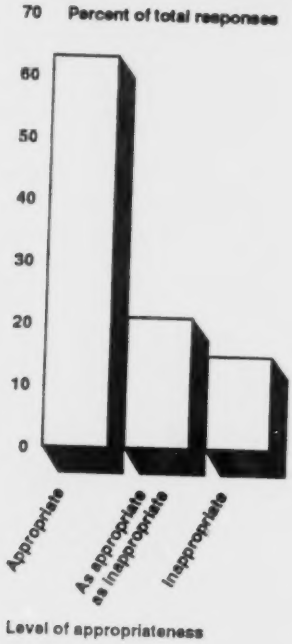
Complaints

Unless a complaint alleges an imminent danger of serious physical harm or death, OSHA's policy requires an inspection only if the complaint meets all of the following criteria: (1) written, (2) signed by a current employee or employee representative, and (3) describes the condition, practice, or particular violation that is hazardous. If a complaint meets all three criteria, OSHA conducts an inspection. If one or more of the criteria are unmet and imminent danger is not alleged, OSHA handles a complaint about safety or health hazards by sending a letter to the employer asking for information about the alleged hazard.

Policy of Responding to Some Complaints With a Letter Is Appropriate

Of the inspectors, 63 percent agreed with OSHA's policy of responding to some complaints with a letter instead of an inspection (see fig. 1.5).[8] Supervisors favor the policy more than compliance officers; health inspectors, more than safety inspectors.[9] Comments from some health supervisors show that they need to stretch limited staff resources; this policy helps them to do so.

Figure 1.5: Appropriateness of Using Letters as a Response to Some Complaints



Of the inspectors, 37 percent disagreed with the criteria that OSHA uses to decide which complaints will receive a letter instead of an inspection. Of those respondents who disagreed, 72 percent (89) believe that the local area office should be given more discretion in deciding how to respond to complaints. For example, OSHA could inspect all alleged

[8]Of the inspectors, 22 percent think that it is "very appropriate;" 41 percent think that it is "appropriate."

[9]Of all supervisors, 80 percent believe the policy is "appropriate" or "very appropriate," versus 60 percent of all compliance officers. Of the health inspectors, 70 percent believe that the policy is "appropriate" or "very appropriate," versus 58 percent of the safety inspectors.

serious violations, not just those involving imminent danger, whether
not they are written and signed.

Civil Penalties

Inspectors cite violations in various categories: serious, willful, repeat, and other than serious.[10] At the time of our survey, penalties for violations were up to $1,000 for each serious violation and up to $10,000 fo a willful or repeat violation. In addition, a fine of up to $1,000 could b assessed for each day during which an employer fails to abate a hazar after the agreed-on date has passed. OSHA does not have to assess a per alty for an "other-than-serious" violation. Proposed penalties may be adjusted on the basis of size of business, good faith of the employer, ar employer's previous history of violations.

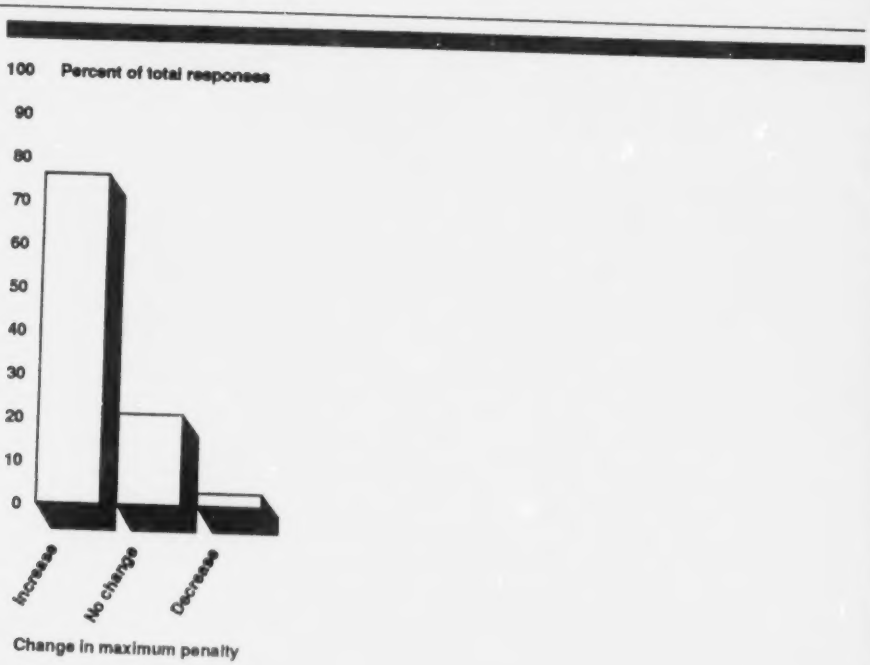
On October 26, 1990, the Congress passed the Omnibus Budget Reconci iation Act of 1990, which substantially increased maximum civil penal ties. The maximum civil penalty for a willful violation was raised to $70,000 for each violation. All other types of penalties were raised to a maximum of $7,000 for each violation.

Allowable Monetary Penalties Should Be Greatly Increased

About three-fourths of the inspectors believe that allowable civil penal ties should be increased (see fig. 1.6); many of these inspectors believe that allowable penalties should be greatly increased to encourage employers to comply. For example, over half of the inspectors believe the maximum penalty for a willful violation should be at least $25,000.

[10]Serious violation: Violation that included a substantial probability that death or serious physical harm could result. Willful violation: Violation that the employer intentionally and knowingly commits. Repeat violation: Violation of any standard, regulation, rule, or order for which, on reinspectio a substantially similar violation is found. Other than serious: Violation that has a direct relationship to job safety and health, but probably could not result in death or serious physical harm.

Figure 1.6: Proposed Changes in Maximum Civil Penalties



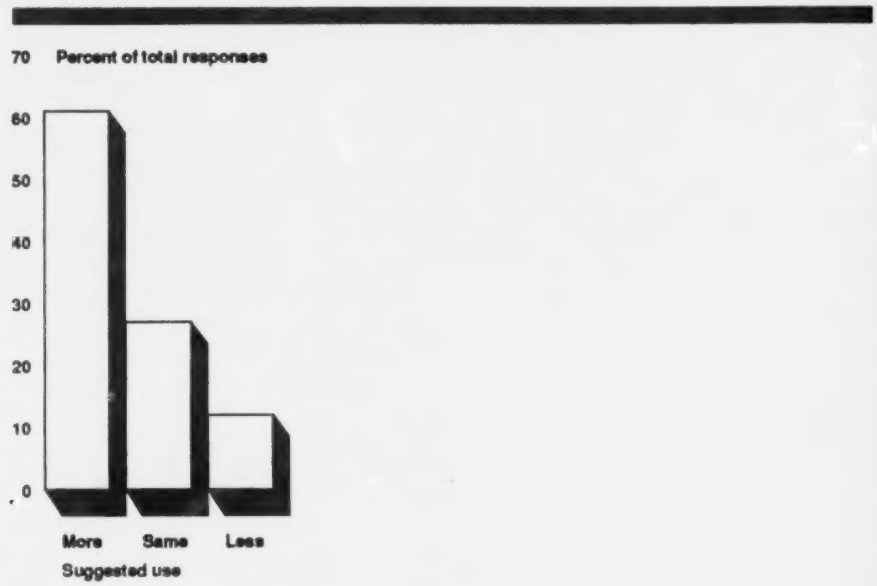
Instance-by-Instance Citations Should Be Used More Often

OSHA sometimes imposes substantially higher penalties by citing employers on an "instance-by-instance" basis. With this approach, OSHA cites employers who "egregiously" violate OSHA standards for every instance of a standard violation, rather than citing only one penalty for a certain type of violation.[11] Under this policy, the total assessed fine for a violation can be substantially larger than the maximum "per instance" fine of $10,000. However, OSHA has used this approach sparingly—about 100 times between April 1986 and July 1990.

Inspectors generally favor OSHA's policy of citing each instance of a violation separately, instead of combining instances under one violation; 61 percent believe that the instance-by-instance approach should be used more often (see fig. 1.7). One of the reasons inspectors favor greater use of the policy may be its effect on employers, other than the employer cited: 46 percent of the inspectors believe that the instance-by-instance approach has had a "great" or "very great effect" on other employers' compliance with OSHA requirements.

[11]OSHA began using the instance-by-instance approach in 1986. Since that time, OSHA has proposed penalties ranging from $125,000 to $7.5 million.

Figure 1.7: Suggested Use of the Instance-by-Instance Approach



Civil Penalties Other Than Fines Could Be Used

In addition to the fines OSHA now levies, some inspectors suggested other penalties, including the following:

- give OSHA authority to shut down operations if an inspector finds a serious violation, even when the violation does not pose an imminent danger, until the employer abates the violation (29 comments);
- revoke or refuse government contracts and other government moneys for chronic violators (21 comments);
- make inspection results public (9 comments);
- require mandatory training for managers or workers (9 comments); and
- remove protection against employee lawsuits or increase employer liability through workers' compensation or Social Security (8 comments).

Criminal Prosecutions

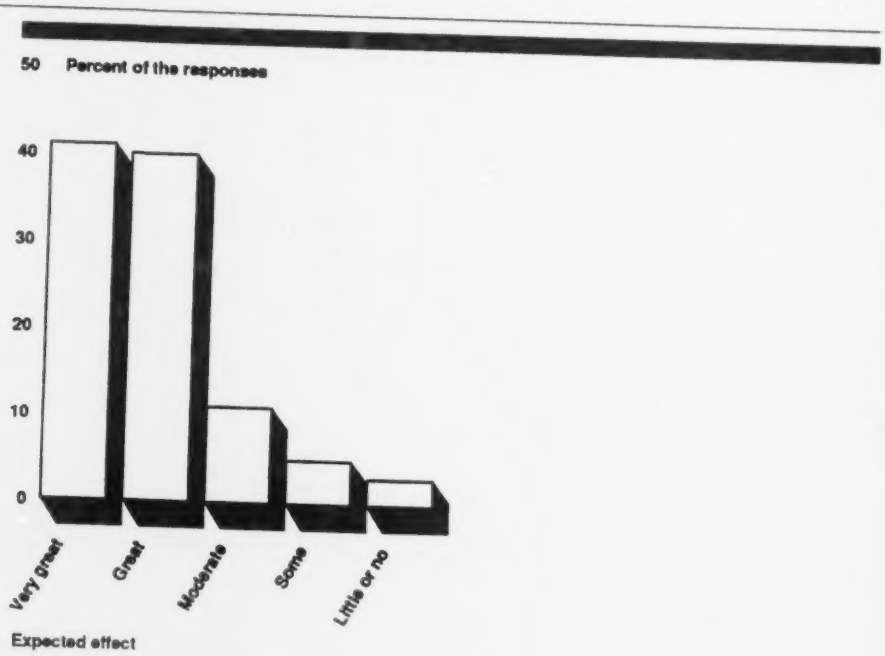
Besides civil penalties, employers may be subject to criminal prosecution in certain cases. Criminal sanctions may be applied to an employer who willfully violates OSHA regulations and the violation results in the death of a worker, anyone who knowingly provides false information to OSHA, and anyone who gives advance notice of an inspection. The maximum criminal penalty is $10,000 or imprisonment for 6 months or both. But

for giving notice of an inspection, there is a maximum penalty of $1,000 or imprisonment for 6 months or both.

Greater Use of Criminal Sanctions Would Greatly Reduce Violations

About 80 percent of the inspectors believe that greater use of criminal sanctions for safety and health violations would greatly reduce violations (see fig. 1.8). Moreover, the inspectors believe the effect would take place if any level of government (federal, state, or local) used these sanctions.

Figure 1.8: Expected Effect of More Frequent Use of Criminal Sanctions on Reducing Violations



Legislative and Administrative Changes Recommended for Criminal Penalties

Respondents provided many comments about legislative and administrative changes that they think would allow the federal government to use criminal sanctions effectively. Of the 194 respondents who commented, 56 think that OSHA should apply criminal sanctions in more cases. These inspectors would like to see criminal penalties for violations that

(1) lead to serious but nonfatal injuries to employees, (2) are willful or repeat violations, or (3) both.[12]

Of the respondents, 50 think that OSHA, the Department of Labor, or the Department of Justice, or all of them are too reluctant to pursue criminal cases. The criteria for when a prosecution should be pursued, respondents commented, are not clearly defined, which makes it difficult for them to decide when they should refer a case for criminal prosecution; in addition, some respondents said, the inspection process is not designed to gather the necessary evidence to pursue criminal cases. Thus, preparing a case for criminal prosecution is difficult and time-consuming.

Abatement

OSHA area directors are responsible for determining if employers have abated violations. These directors verify abatement either by a follow-up inspection or through a letter from the employer stating that the cited conditions have been corrected. This letter is supposed to explain the specific corrective actions taken for each violation and the approximate date for each action. Failure to submit a verification letter by the deadline set for abatement may trigger a follow-up inspection. In addition, follow-up inspections are required for certain violations. Of the inspections that OSHA did in fiscal year 1989, 6 percent (3,284) were follow-up inspections.

Seventy percent of the respondents (237) provided comments about changes needed to improve OSHA's abatement confirmation procedures. By far, the major change recommended (176 comments) was for OSHA to do more follow-up inspections. Inspector comments about the need for follow-up inspections included these:

"A number of follow-up inspections were programmed during FY' 88 when abatement was apparently achieved, as indicated by telephone calls or letters. Most of these inspections uncovered failure to abate situations."

"Visiting a site to determine abatement shows employer/employee that OSHA is truly concern[ed] about conditions rather than what may appear in letter form."

"During FY '88, virtually 100% of the follow-up inspections I scheduled resulted in failure to abate penalties." [The employer had not corrected the hazards.]

[12]The act provides criminal sanctions for violations only when they lead to fatalities.

Imminent Danger

Imminent danger is defined in the legislation as "any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided." OSHA gives the highest inspection priority to allegations of imminent dangers and tries to schedule inspections of them for the same day that it receives the report. When it is not possible to schedule the inspection for the same day, OSHA schedules the inspection for the employer's next working day.

The act restricts OSHA's ability to obtain immediate abatement of imminent dangers by requiring OSHA to first obtain a court order. Under OSHA procedures, OSHA requests that the employer abate the danger. If the employer does not provide reasonable assurance that he or she has abated the danger, the inspector consults with the area director, who then decides whether to contact the regional solicitor about initiating court action. The inspector posts a Notice of Alleged Imminent Danger after he or she receives approval from the area director. The notice is not a citation, but only a notice that (1) OSHA believes that an imminent danger exists and (2) the Secretary of Labor will be seeking a court order to restrain the employer from permitting employees to work in the vicinity of the danger.

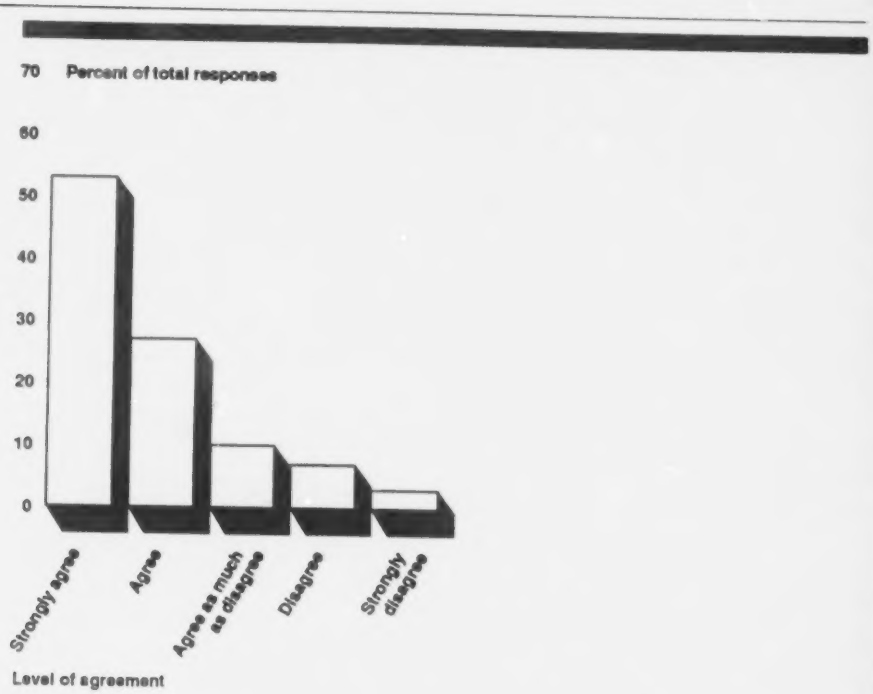
If a court issues an injunction in an imminent danger case, OSHA does a follow-up inspection to see if the employer is complying with the terms of the court order. Inspectors do not have the authority to order shutdown of the operation or to direct employees to leave the vicinity of the imminent danger.

Inspectors Want Authority to Immediately Remedy Cases of Imminent Danger

Of the inspectors, 53 percent strongly believe that they should be allowed to shut down operations in cases of imminent danger without having to obtain a court order first (see fig. 1.9). Some inspector comments reflected a belief that the process of obtaining a court order in an imminent danger case is very slow and does not provide an effective remedy for exposed workers, for example:

"It is important that the [inspector] have the authority to stop work in an imminent danger situation. The time required to get a court order exposes employees to the hazards for extended periods of time, which is unacceptable. In that, someone may die or be exposed to level of materials which may cause long term damage."

Figure 1.9: Inspectors' Opinions About Whether They Should Have Shutdown Authority in Cases of Imminent Danger



We estimate that compliance officers found about 2,130 instances where they believe it was necessary to remove workers because of imminent danger cases in fiscal year 1988.[13] Of these compliance officers, we estimate that 10 percent believe workers were, on average, exposed to imminent danger for over 8 hours. Generally, inspectors believe they are adequately prepared to identify cases of imminent danger. Still, about one-fourth believe they were inadequately prepared by OSHA (Training Institute or field training) to identify such cases.

[13]This is an estimate—based on the reports of compliance officers we surveyed—of the imminent danger cases found by all OSHA compliance officers doing inspections. The sampling error of this estimate is plus or minus 976.

Safety and Health Standards

Background

Enforcing safety and health standards is a major part of OSHA's regulatory strategy. However, OSHA standards fail to cover many safety and health hazards adequately and fail to keep pace with knowledge about new or existing hazards. In cases where a hazard exists and the hazard is not covered by a standard, OSHA can cite the general duty clause. Under this clause, employers have a general duty to provide a workplace that is free from recognized hazards that cause or are likely to cause serious physical harm or death to employees.

Aspects Covered by Questions

For the survey questions related to safety and health standards, we focused on three aspects: whether hazards are adequately covered by standards; whether standards are difficult for employers to understand; and what types of standards (that is, specific substance, generic, specification, and performance standards) are more effective.

Hazard Coverage

When asked to identify the most important hazards that are not covered by specific standards, respondents identified over 75. At least half of the inspectors identified 2 hazards: "lockout or tagout" and "confined space entry." A lockout or tagout standard would require the employer to establish procedures to prevent anyone from accidently energizing or activating a machine, particularly while it is being serviced. A confined space entry standard would require an effective means of exit from confined work spaces.[1]

Over half of the health inspectors listed repetitive motion hazards as hazards that should be covered by standards. Such standards would include the principle of ergonomic design; that is, the machine should fit the worker, instead of forcing the worker to fit the machine.[2] Carpal tunnel syndrome, a progressively disabling and painful condition of the hands, is the most widely recognized example of a repetitive motion trauma resulting from lack of ergonomic design. The syndrome is caused by repeatedly flexing the wrist or applying arm-wrist-finger force.

[1] A lockout or tagout standard was issued in September 1989. OSHA is rewriting a confined space standard and it expects to issue a final rule in February 1991.

[2] Ergonomics is the science of designing facilities, equipment, tools, and tasks that are compatible with the anatomical, physiological, biomechanical, perceptual, and behavioral characteristics of humans.

Use of General Duty Clause in Absence of Specific Standards

Inspectors can cite the general duty clause for hazardous conditions no covered by an OSHA standard when four conditions exist: the employer fails to keep the workplace free of a hazard; it is a recognized hazard; the hazard causes or is likely to cause serious physical harm or death; and the hazard is correctable by a "feasible and useful method."

About three-fourths of the inspectors cited the general duty clause at least once in fiscal year 1988. In fact, 18 percent of the safety inspector and 29 percent of the health inspectors used the general duty clause for at least 10 percent of the hazards that they identified. However, many inspectors (56 percent) noted situations in which they believed a hazard existed, but they could not cite the employer because neither a specific standard nor the general duty clause could be cited.

Types of Standards

During the 1980s, OSHA began using more performance standards. Performance standards give employers more flexibility in complying with standards by allowing employers to consider available technologies and to select the most appropriate one. These standards differ from specification standards, which require employers to meet fixed specifications. For example, a specification standard might specify that a ladder (1) be made from a specific wood, (2) have no more than 12 inches between rungs, and (3) be no more than 24 inches wide; a performance standard might require that the ladder be able to support, for several hours, a person who weighs 280 pounds.

Also during the 1980s, in an attempt to speed up the issuance of standards, OSHA began using generic standards as well as specific standards. A generic standard may cover (1) multiple problems in a single industry or (2) work practices and procedures affecting many industries. For example, the hazard communication standard is considered to be a generic standard. It requires employers to notify their workers about all chemical hazards and to provide worker training. A generic standard could be either a specification standard or a performance standard, depending on its level of specificity.

Inspectors are skeptical of the effectiveness of performance-based standards; 62 percent think that specification-based standards are "more effective" or "much more effective" than performance-based standards (see fig. 2.1). Of the inspectors, 46 percent think that the need for individual substance standards will either "increase" or "greatly increase," despite the greater use of generic health standards (see fig. 2.2).

Figure 2.1: Effectiveness of Specification-Based Safety Standards Compared With Performance-Based Standards

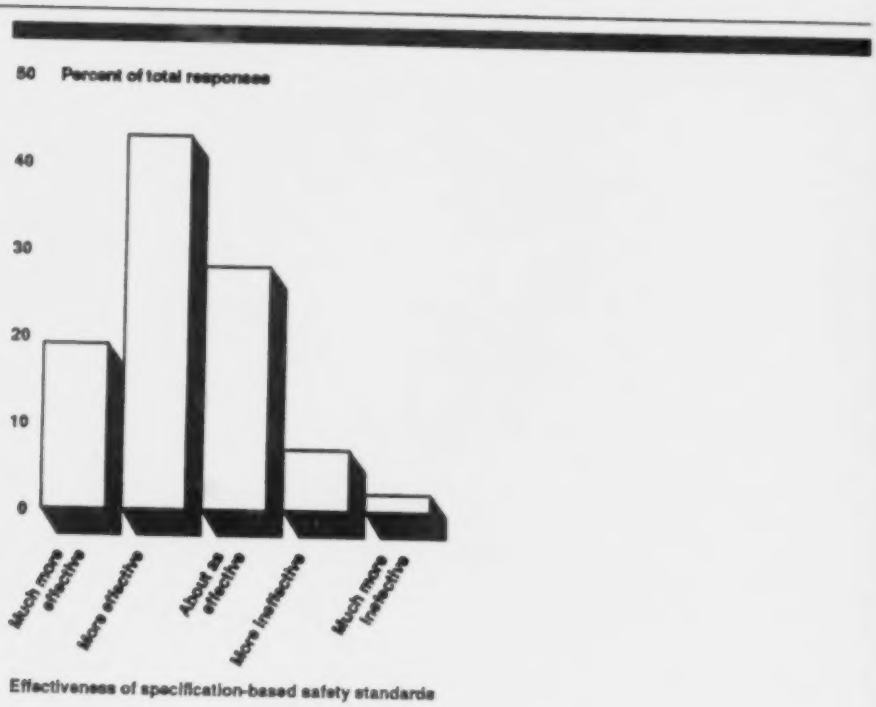
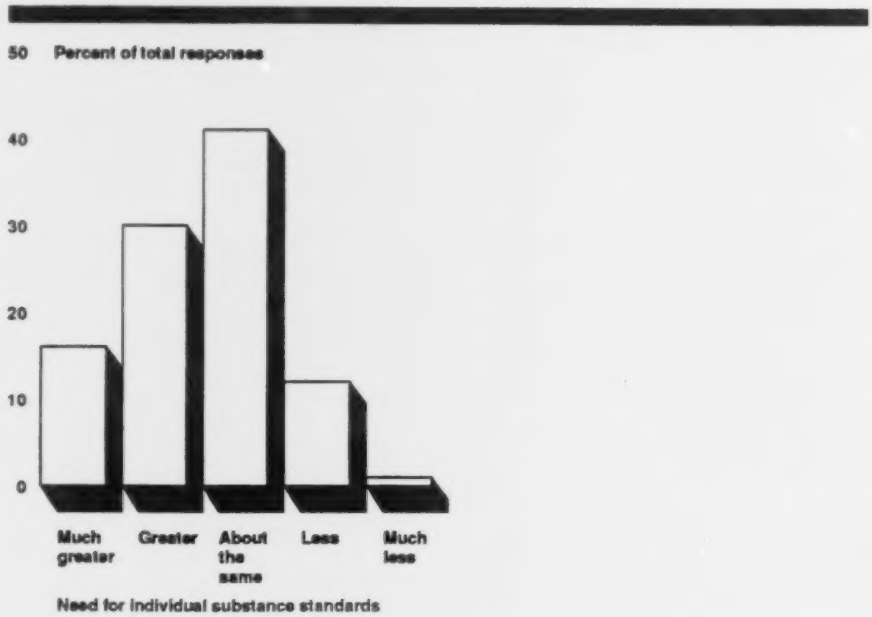


Figure 2.2: Need for Individual Substance Standards With Generic Health Standards



Improvements Needed in Standard Setting

In addition to the survey questions, 162 respondents (48 percent) provided a total of 237 narrative comments about safety and health standards. Many of these comments (31 percent) stress the importance of standards in increasing OSHA enforcement power. Other comments, examples of which appear below, fell into three categories: improve the standard-setting process (64 comments); make standards simpler to understand and enforce (57 comments); and revise and update standards (42 comments).

Improve Process

"Promulgation [standard setting] must be based upon safety and health issues rather than economic feasibility."

"Updated standards by . . . recognized organizations should be automatically incorporated by reference into OSHA standards."

Simplify Standards

"Standards leave too much for interpretation. Too many employers, employees and compliance personnel are left guessing as to what they judge to be, or assume to be, correct and complying with the standard."

"Standards should not be issued unless there is a compliance directive attached to address enforcement policy."

Revise Standards

"Standards need to be updated to keep up with current industry standards . . . . Need to revise health standards more frequently (more than once in 18 years)."

"There should be a program to regularly review them [standards] and update them."

Education and Training

Background

In fiscal year 1989, OSHA spent about $30.9 million (12 percent of its total budget) on directly funded education and training activities. OSHA's education and training programs include the Employer Consultation Program, the OSHA Training Institute, and the New Directions grant program. The Employer Consultation Program, which receives the bulk of OSHA's education and training funds, provides workplace consultation visits at the request of employers. The OSHA Training Institute mostly provides training to OSHA inspectors, but also allows private sector and other government employees to attend courses related to workplace safety and health. The New Directions program makes grants available to nonprofit labor and employer organizations that wish to provide job safety and health training to their members.

In addition to these directly funded activities, OSHA has more than 100 standards and guidelines that mandate or recommend minimum levels of training for particular categories of workers.

Aspects Covered by Questions

For the questions related to OSHA education and training activities, we focused on three aspects: whether employers and workers are knowledgeable about workplace hazards and the legislation, regulations, and standards; whether the lack of knowledge of workers or employers results in injuries and illnesses or violations of OSHA standards; and whether present OSHA programs are effective in educating and training workers and employers.

Knowledge of Workplace Hazards, Legislation, Regulations, and Standards

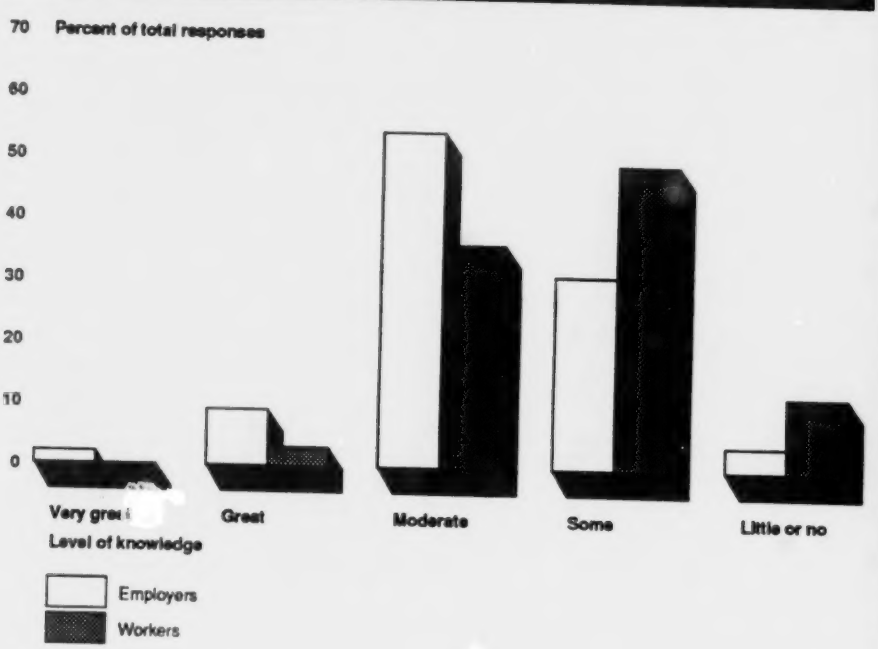
We asked inspectors about the levels of employer and worker knowledge about (1) health and safety hazards and (2) the legislation—Occupational Safety and Health Act (OSH Act), regulations, and standards. Because of the volume of information that we obtained, we will present inspector opinions of the levels of employer and worker knowledge about the legislation, regulations, and standards, but not about health and safety hazards.[1] For ease of presentation, we also generally combined responses about the knowledge of employers and workers.

Employers More Knowledgeable Than Workers

Of all the inspectors, 65 percent think that employers have at least a "moderate" level of knowledge about the legislation, regulations, and standards, whereas only 39 percent of the inspectors think that workers have the same level of knowledge (see fig. 3.1).

[1]Their opinions about knowledge of safety and health hazard showed the same problems.

Figure 3.1: Employer and Worker Knowledge of the Act, Regulations, and Standards



Level of Knowledge Higher in Large Businesses Than in Small Businesses

Overall, inspectors think that the levels of employer and worker knowledge of legislation, regulations, and standards are higher for large-sized employers than for small-sized or medium-sized employers.[2] Of the inspectors, 82 percent think that workers and employers of large-sized employers have at least a "moderate" level of knowledge, in contrast to just 57 percent for medium-sized employers and 17 percent for small-sized employers (see table 3.1).

Table 3.1: Employer and Worker Knowledge of the Act, Regulations, and Standards, by Size of Employer

Numbers in percentages

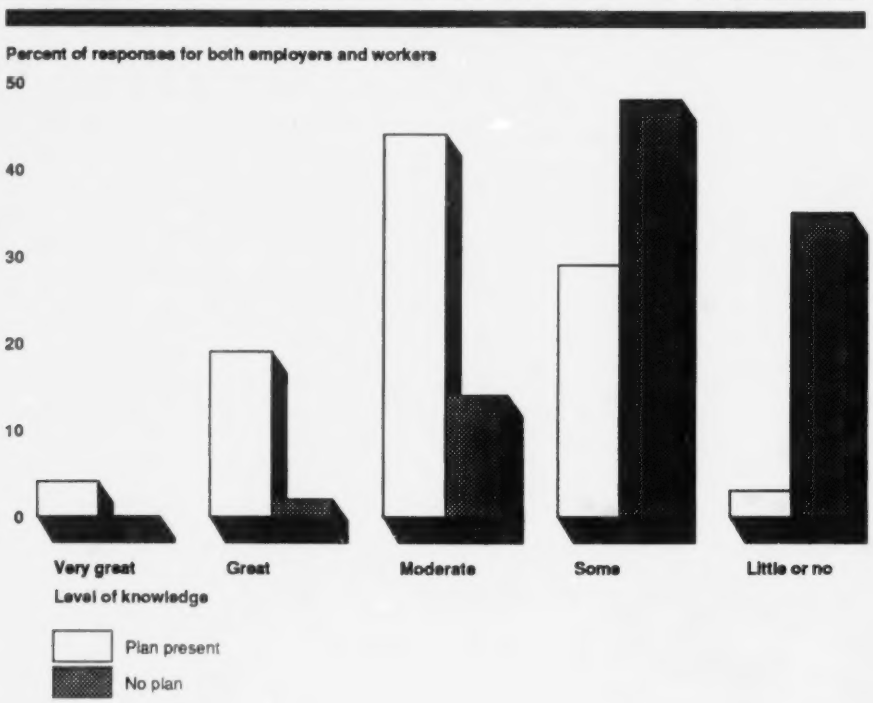
Size of Employer	Inspectors' opinions on knowledge				
	Very Great	Great	Moderate	Some	Little or no
99 or fewer workers	0	2	15	43	40
100 to 500 workers	2	14	41	35	7
Over 500 workers	12	32	38	16	2

[2]We define "large" as an employer with over 500 workers, "medium" as an employer with 100 to 500 workers, and "small" as an employer with less than 100 workers.

Level of Knowledge Higher in Worksites With Safety or Health Plans

According to inspectors, the levels of employer and worker knowledge of the legislation, regulations, and standards are higher in worksites with safety and health plans. Of the inspectors, 67 percent think that employers and workers in worksites with safety and health plans have at least a "moderate" level of knowledge of these issues, in contrast to just 16 percent for worksites without safety and health plans (see fig. 3.2).

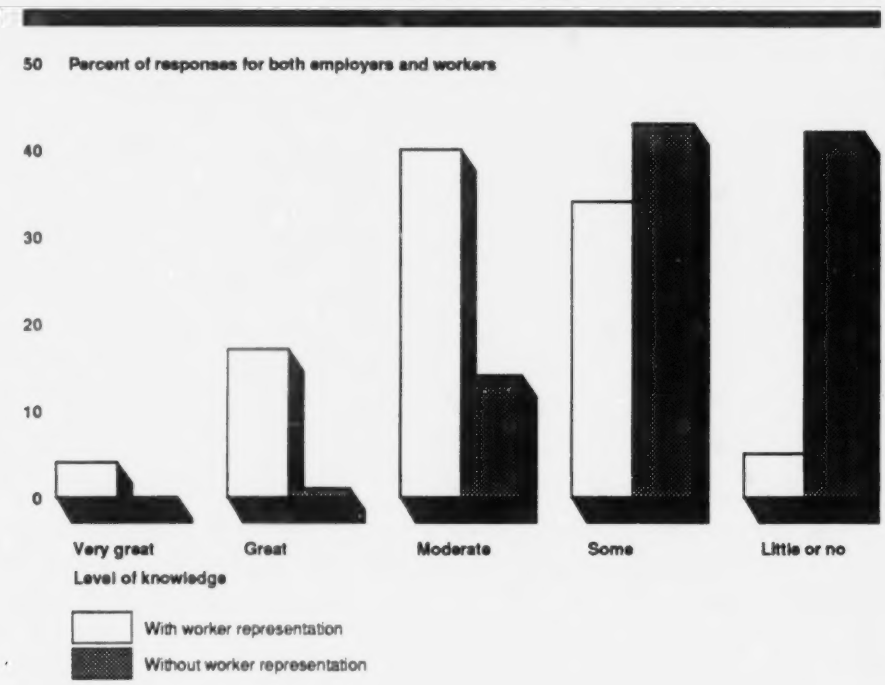
Figure 3.2: Employer and Worker Knowledge of the Act, Regulations, and Standards in Worksites With or Without a Safety or Health Plan



Level of Knowledge Higher in Worksites With Worker Representation

Of the inspectors, 61 percent think that workers and employers in worksites with worker representation have at least a "moderate" level of knowledge of legislation, regulations, and standards (see fig. 3.3). In contrast, only 15 percent think that workers and employers in worksites without worker representation have the same level of knowledge.

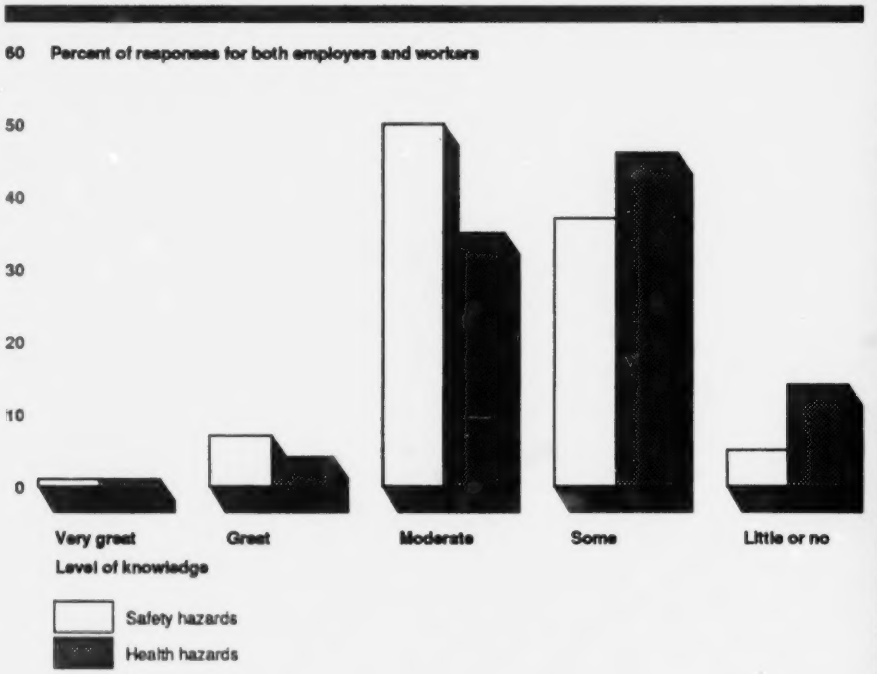
Figure 3.3: Employer and Worker Knowledge of the Act, Regulations, and Standards in Worksites With or Without Worker Representation



Employers and Workers More Knowledgeable About Safety Hazards

Inspectors think that both workers and employers are somewhat more knowledgeable about safety hazards than about health hazards (see fig. 3.4).

Figure 3.4: Employer and Worker Knowledge of Safety Versus Health Hazards



Effect of Lack of Knowledge

Most inspectors think that the lack of knowledge of legislation, regulations, and standards among both employers and workers contributes to a "great" or "very great" extent to workplace injuries and illnesses, as well as health and safety violations. This opinion was most noted concerning the extent of health violations. Lack of knowledge contributes tc health violations to a "great" or "very great" extent, according to 65 percent of inspectors (see table 3.2).

Table 3.2: Contribution of Lack of Knowledge by Employer and Worker to Safety and Health Violations and Work-Related Injuries and Illnesses

Numbers in percentages

Violations, injuries, and illnesses	Inspectors' opinions on contribution				
	Very great	Great	Moderate	Some	Little or nc
Safety violations	14	43	25	15	
Health violations	23	42	20	13	
Work-related injuries	12	38	30	16	
Work-related illnesses	17	41	24	15	

Perceived Effectiveness of OSHA Education and Training Programs

There was no clear consensus about the effectiveness of OSHA's education and training programs in educating and training workers and employers about workplace safety and health issues. Inspectors think that there are differences in the effectiveness of the three major programs (Employer Consultation, the OSHA Training Institute, and New Directions grant) for educating employers (see table 3.3). In contrast, the inspectors believe the different programs are about equally effective for workers. They also believe the Training Institute and Consultation programs are generally less effective for workers than for employers (see table 3.4). The Employer Consultation Program received the most favorable rating for its effectiveness with employers. This may be because the program more directly serves employers rather than workers.

Table 3.3: Effectiveness of Education and Training Programs

Numbers in percentages

Program	Very great	Great	Moderate	Some	Little or no	Don't know
	Inspectors' opinions on effectiveness for employers					
Consultation	11	34	29	15	7	5
OSHA Training Institute	10	25	19	27	14	5
New Directions	2	8	17	27	24	22
	Inspectors' opinions on effectiveness for workers					
Consultation	8	18	19	24	26	6
OSHA Training Institute	8	19	13	20	34	6
New Directions	3	7	16	25	29	21

Overall, the programs have little effect, some respondents said, because they reach few employers and workers, rather than because of problems with the programs themselves.

Problems With Education and Training Programs

Of the respondents, 59 percent (199) provided a total of 403 narrative comments about education and training. Most of these comments dealt with three categories of weaknesses, examples of which appear below: programs and materials are inadequate to meet the needs of employers and workers (141 comments); employers or workers or both need more and better training (100 comments); and programs are underutilized (59 comments).

Programs Inadequate

"Education and training provided by OSHA does not reach the workplace."

"Fund it or forget it. What we can put into [education and training programs] now will never have much impact."

Training Needed

"We need much more emphasis in training workers about occupational safety and health hazards. Many of our worker complaints are nonserious or invalid not because their workplaces are safe, but rather because they do not recognize the real serious hazards."

"It is especially important to educate both employers and employees on health hazards. They need to understand that sensory perception does not always indicate when a problem exists. Many deadly chemicals cannot be seen or smelled and many chemicals can be smelled long before they create a hazard."

"The majority of employers do not make it their responsibility to educate themselves regarding S and H [safety and health] issues. They are more concerned with making their business operate profitably."

Programs Underutilized

"We don't actively seek out those in need of education and training. We are in a posture of waiting for interested parties to call us."

"The smaller employers cannot afford to send employees to safety classes and must do the training on their own. Sometimes they request assistance. Other times they are unaware of any available assistance."

Employer Involvement in Safety and Health Programs

Background

The act requires each employer to provide employees with a place of employment that is free from recognized hazards that cause or are likely to cause death or serious physical harm. One way for an employer to do this is by developing a safety and health program that would identify worksite hazards and actions needed to correct them.

OSHA requires safety plans in the construction industry. For other industries, OSHA has issued voluntary guidelines, encouraging employers to establish safety and health programs. OSHA outlines four principal elements in its voluntary guidelines: (1) management commitment and worker involvement, (2) worksite analysis, (3) hazard prevention and control, and (4) safety and health training. OSHA's mandated requirements for construction include the last three elements.

Aspects Covered by Questions

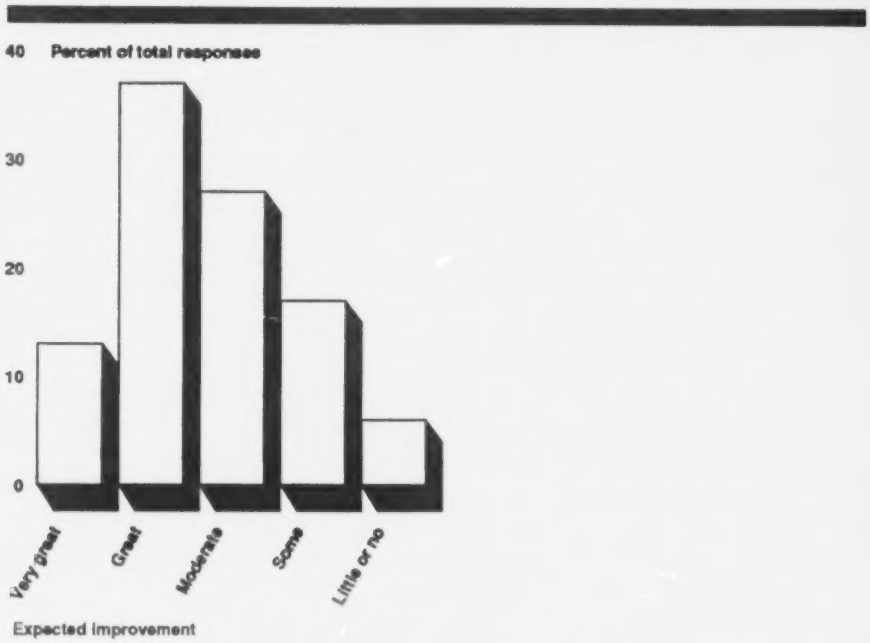
For survey questions related to safety and health programs, we focused on two aspects: how effective inspectors think the programs are and whether the programs should be required.

Effectiveness of Safety and Health Programs

Required Safety and Health Programs Needed in General Industry

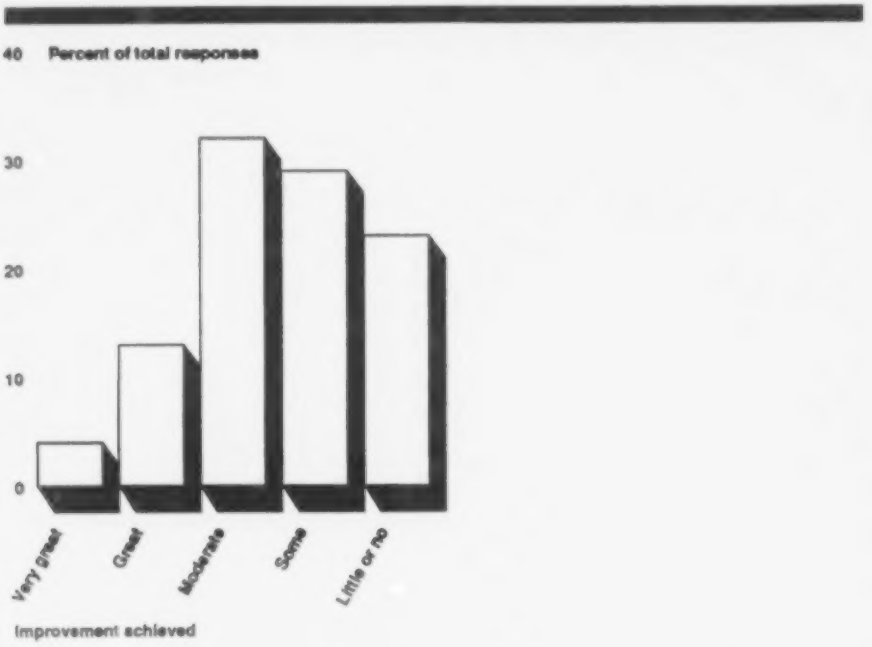
Of the inspectors, about 50 percent believe that requiring safety and health programs in general industry would "greatly" or "very greatly" improve safety and health in the workplace (see fig. 4.1). Of the inspectors, 63 percent believe that if safety and health programs are required for general industry, no employer groups (for example, small businesses and employers in low-hazard industries) should be exempt. Moreover, inspectors overwhelmingly believed (94 percent) that safety and health programs should be required for employers in high-hazard industries and employers with a history of repeat violations.

Figure 4.1: Expected Improvement in Safety and Health in General Industry if Safety and Health Programs Were Required



Despite their endorsement of safety and health programs, most of the inspectors believe that required programs in the construction industry have resulted, at most, in moderately improving safety and health (see fig. 4.2). This could be because inspectors are concerned that the requirements for safety and health programs in construction are too general.

Figure 4.2: Improvement in Safety and Health in Construction Industry as a Result of Requirement for Safety and Health Programs



Some inspectors caution, however, against overrelying on safety and health programs to ensure a safe and healthful work environment. Their comments included the following:

"There is a tendency to rely on written programs when evaluating a safety and health program. What we often find in the workplace is that the written program is put into action poorly if at all. Monitoring is definitely needed to properly assess workplace hazards."

"A paper safety and health program will mean nothing without employer commitment. The requirement to have such a program may get a few more employers thinking [about] and working [on] safety and health programs, however."

Worker Involvement

Background

OSHA requires employers to post a notice (1) informing employees of their rights under the OSH Act and (2) giving certain employees data on workplace injuries and illnesses. OSHA expects workers, at a minimum, to comply with procedures established to protect them.

The act provides that workers have the right to (1) inform OSHA when employers are not providing a safe workplace, (2) be represented in OSHA walkaround inspections, including reporting violations to the compliance officer during the inspection, and (3) request an inspection when they believe that an imminent danger or a violation of a safety or health standard exists that threatens physical harm.

Section 11(c) of the act protects workers against discrimination by employers if workers exercise the above rights or any other rights afforded by the act. To carry out its mandate to protect workers against employer reprisals, OSHA operates a Discrimination Investigations Program. Through this program, OSHA investigators decide whether to pursue discrimination complaints through the courts.

Aspects Covered by Questions

For the questions related to worker involvement, we focused on two aspects: (1) whether current levels of worker involvement in various areas of OSHA's enforcement program are adequate and (2) whether the Discrimination Investigations Program is effective in protecting workers from employer reprisals.

Level of Involvement

More Worker Involvement Needed in OSHA's Enforcement Activities

Generally, inspectors want workers to be more involved in helping them to ensure employer compliance (see table 5.1). However, just 31 percent of the health supervisors think that workers should have "more" or "much more" involvement in OSHA's enforcement program by requesting inspections, in contrast to over half the respondents from each of the other groups.[1]

42

[1]Corresponding percentages for each of the other respondent groups are safety supervisors, 52 percent; health officers, 54 percent; and safety officers, 69 percent.

Table 5.1: Needed Change to Worker Involvement in OSHA Enforcement Activities

Numbers in percentages

	Inspectors' opinions of involvement				
Activity	**Much more**	**More**	**No change**	**Less**	**Much less**
Requesting inspections	17	42	38	3	0
Accompanying OSHA inspectors	18	47	34	1	0
Participating in settlement discussions	20	49	30	0	0

Worker Protection Against Employer Discrimination

In November 1989, GAO testified before the House Committee on Education and Labor, Subcommittee on Labor Management Relations, about inspector opinions on the lack of protection from employer reprisals when workers engage in workplace safety and health activities.[2] The discussion below highlights some of the major points in that testimony.

About one-third of the inspectors said that few if any workers are knowledgeable about their rights. Another 46 percent of the inspectors said that less than half of all workers are knowledgeable about their rights under the law concerning workplace safety and health activities, including their right to report violations to OSHA without being fired or otherwise discriminated against.

Inspectors generally do not believe that workers are free to exercise their section 11(c) rights, such as to talk confidentially with an inspector. Fewer than 10 percent said that workers definitely could exercise these rights without reprisal; 22 percent said they definitely could not. A similar percentage of the inspectors (26 percent) expressed the belief that 11(c) procedures provide workers little protection from reprisal when they report violations to OSHA. Inspectors reported that workers have even less confidence in protection than the inspectors do. Almost half (46 percent) said that workers themselves generally believe they would have little protection if they reported violations.

As discussed in the testimony, inspectors believe several factors related to the law make it difficult for the agency to protect workers. These include (1) a requirement that complaints be filed within 30 days of the discrimination, (2) a requirement that the case be litigated in district court rather than before an administrative law judge, (3) the lack of

[2]How Well Does OSHA Protect Workers From Reprisal: Inspector Opinions (GAO/T-HRD-90-8, Nov. 16, 1989).

interim remedies while a case is being litigated or settled, and (4) ambiguities in the law, such as circumstances under which workers may refuse to work because they believe they are in danger. Other factors inspectors cited included (1) the length of case-processing time, (2) the nature of the investigations, and (3) the difficulty in proving that employer reprisal has occurred.

Objective, Scope, and Methodology

Objective

The objective of this report is to summarize the responses of OSHA safety and health inspectors to a mail questionnaire distributed as part of a review of options for improving worker safety and health.[1] OSHA inspectors provide considerable insight concerning the daily operations of the OSHA program. Nevertheless, inspectors' perceptions are based on their experiences and may not always be appropriate for setting or changing OSHA's policies. For example, inspectors believe that specification standards are more effective than performance standards, even though it is generally recognized by OSHA management that performance standards provide employers more flexibility in meeting a standard's objectives. OSHA officials told us that inspectors probably believe that specification standards (1) are easier to enforce than performance standards and (2) provide employers greater guidance about how to comply with the standards.

Scope and Methodology

Overview

We sent a mail questionnaire to OSHA compliance officers and their supervisors (for convenience, when we refer to compliance officers and supervisors jointly, we call them "inspectors"), who are principally responsible for seeing that private employers comply with OSHA safety and health regulations and standards. For current OSHA compliance officers, we selected a random sample. But we surveyed all current OSHA field supervisors. The compliance officers and supervisors worked in all of OSHA's 10 regions. We made minor modifications to the questionnaire to reflect differences in compliance officer and supervisor positions and responsibilities. We did our review from April 1989 to May 1990, in accordance with generally accepted government auditing standards.

Sampling Approach for Questionnaire

We obtained listings from OSHA identifying all inspectors as of April 12, 1989. We divided safety and health officers into separate universes and sampled each individually. Within each regional office we selected a random sample of approximately one-third of all safety officers and one-third of all health officers. The universe and sample sizes by type of inspector are shown in table I.1.

[1] Occupational Safety and Health: Options for Improving Safety and Health in the Workplace (GAO/HRD-90-66BR, Aug. 24, 1990).

Table I.1: Total Inspectors and Total Sampled by Group

Group	Total	Sample	Percent
Safety officers	552	184	33.3
Health officers	415	138	33.3
Supervisors	155	155	100.0
Total	**1,122**	**477**	**42.5**

We mailed copies of the questionnaire to each inspector in our sample and to all supervisors, and we sent one follow-up mailing to those who initially did not respond. Of those to whom we sent the questionnaire, 81 percent responded.

For our questionnaire, we were only interested in surveying compliance officers and supervisors who did or supervised inspections. OSHA's listings did not identify employees by occupation; thus, we were not able to restrict our sample cases to inspection staff only. We therefore used a screening question in our questionnaire to select respondents who were either doing or directly supervising inspections, eliminating any other respondents from our sample. The number and percentage considered appropriate for our analysis are shown in table I.2.

Table I.2: Respondents Doing (or Supervising) Inspections by Sampled Group

		Respondents		Respondents doing inspections	
Group	Sample	Number	Percent	Number	Percent
Safety officers	184	146	79.3	124	84.9
Health officers	138	113	81.9	95	84.1
Supervisors	155	127	81.9	117	92.1
Total	**477**	**386**	**80.9**	**336**	**87.0**

Questionnaire results are projectable to an estimated universe of compliance officers and supervisors who (1) were doing inspections and (2) we expect would have responded had we sent the questionnaire to everyone in our universe. The size of the universe to which results can be projected, after adjustments both for the response rate and the rate of respondents doing inspections, is shown in table I.3.

Table I.3: Calculation of the Universe to Which Questionnaire Results Can Be Projected: Respondent Universe Doing (or Supervising) Inspections

		Respondents		Respondents doing inspections	
Group	Universe	Rate	Universe	Rate	Universe
Safety officers	552	79.3	438	84.9	372
Health officers	415	81.9	340	84.1	286
Supervisors	155	81.9	127	92.1	117
Total	**1,122**		**905**		**775**

In estimating the number of compliance officers doing inspections, we projected our questionnaire results without adjusting the universe for the respondent rate. We assumed that the percentage of nonrespondents doing inspections was the same as the percentage of respondents—84.9 percent for safety and 84.1 percent for health. As a result, we estimated that 818 compliance officers were doing inspections (552 x .849 + 415 x .841). The sampling error is plus or minus 36.

Estimates derived from a statistical sample are subject to a certain amount of sampling error, which arises from taking a sample rather than surveying the entire population. Sampling error, also called a precision of the estimate, is reported as a plus and minus value around the estimate. The sampling errors for percentages reported did not exceed plus or minus 7 percent for any estimate with a 95-percent confidence level.

Questions Soliciting Narrative Responses

In the questionnaire, at the end of five sections and throughout the section on enforcement, we added questions that allowed the respondents to elaborate further on issues of concern to them that were not specifically addressed by the earlier questions. In total, 23 questions asked for narrative comments and 62 questions provided discrete answer categories.

For all of the narrative comments that we received, we did individual tallies for each question. We did this by reviewing the comments under each question for consistent themes and categorizing the comments by these themes. Some comments were moved or cross-referenced to other appropriate questions. Comments that did not apply to the question asked were removed from our analysis. When we refer to the comments made by inspectors, we identify the population as "respondents," not "inspectors."

Respondent Profile

About 47 percent of the 336 OSHA inspectors we surveyed who provided data about inspections have the official title of "Safety and Occupational Health Specialist" (referred to in this report as "safety officer"). Thirty-six percent are "Industrial Hygienists" (referred to in this report as "health officer"). Of the inspectors, 16 percent are supervisors of safety officers (9 percent) or health officers (7 percent). These numbers are very close to the numbers for the actual universe as shown in table II.1.

Table II.1: Total Inspectors and Respondent Universe by Sampled Groups

Numbers in percentages

Group	Universe	Respondents
Safety officers	49	47
Health officers	37	36
Safety supervisors	8	9
Health supervisors	6	7
Total	**100**	**99[a]**

[a]Total excludes investigator (0.4 percent) and other (0.5 percent).

The sample represents all 10 regions in roughly the same proportions as existed in the universe, as shown in table II.2.

Table II.2: Comparison of Universe and Respondent Percentages by Federal Region

Numbers in percentages

Region	Universe	Respondents
1	9.4	9.6
2	16.1	14.8
3	10.4	11.7
4	11.1	9.6
5	19.6	20.7
6	13.3	15.0
7	5.2	4.9
8	3.7	3.9
9	9.3	8.3
10	2.0	1.6
Total	**100.0**	**100.0**

In our sample, which we assume is typical of the universe, all OSHA inspectors have at least a high school education; about 68 percent have at least bachelor's degrees. Almost all health inspectors (98 percent) have bachelor's degrees, as opposed to fewer than half (44 percent) of

the safety inspectors. More health inspectors (42 percent) than safety inspectors (5 percent) also hold master's degrees.

Table II.3: Highest Education Degree Obtained by Inspectors

Numbers in percentages

	Type of inspector			
Degree	Safety officer	Safety supervisor	Health officer	Health supervisor
High school	42	34	0	4
Associate	15	13	0	2
Bachelor's	38	45	59	50
Master's	5	7	37	44
Doctoral	0	0	4	0

Among the inspectors who reported that they did inspections in fiscal year 1988, the median length of time that they reported having done inspections was 7 years. The median length of time that these inspectors had been employed with OSHA was about 10 years.

Table II.4: Median Length of Service and Time Doing Inspections for Inspectors Who Did (or Supervised) Inspections (Fiscal Year 1988)

Numbers in months

		Safety		Health	
	Overall	Officers	Supervisors	Officers	Supervisors
With OSHA	125	131	180	78	155
Doing inspections	84	98	104	52	80
As supervisor	48	[a]	52	[a]	37

[a]Numbers not applicable.

Safety inspectors in our sample had been employed with OSHA longer than health inspectors. On average, safety officers had been employed about 4-1/2 years longer than health officers; safety supervisors, about 2 years longer than health supervisors.

Summary of Questionnaire Responses

I. Background

1. Type of degrees/certificates held by the inspector

Type	Percent of inspectors
High school diploma or equivalent	100
Associate degree	19
Bachelor's degree	68
Master's degree	21
Doctoral degree	2
State license	7
Professional certificate	21
Other	10

2. Current position title

Title	Percent of inspectors
Safety and Occupational Health Specialist	47
Supervisory Safety and Occupational Health Specialist	9
Industrial Hygienist	36
Supervisory Industrial Hygienist	7
Other	1

3. Current level

Level	Percent of inspectors
Trainee	3
Journeyman	78
Supervisor	16
Other	3

Note: Unless otherwise stated, results were weighted based on compliance officer and supervisor responses; totals (where applicable) may not add to 100 percent because of rounding. In addition, percentages shown in appendix III will differ with those shown in the report sections if inspectors checked "no basis to judge" or "don't know."

4. Employment history with OSHA

Average in months

Employment time	Compliance officer	Supervisor
Total with OSHA	108	164
As a journeyman inspector	87	93
As a supervisor	N/A	59

5. Approximate number of inspections performed or supervised in fiscal year 1988

72 per compliance officer (average) 368 per supervisor (average)

6. Percent of inspections performed or supervised during fiscal year 1988 that were health, safety, or both

Percent of inspections

Type of inspection	Compliance officer	Supervisor
Safety	53	54
Health	38	37
Combined	9	9

II. Safety and Health Standards

7. and 12. Overall, how easy or difficult is it for employers to understand the OSHA safety and health standards?

	Percent of inspectors	
	Standards	
	Safety	Health
Very easy	1	1
Easy	25	12
About as easy as difficult	47	36
Difficult	22	34
Very difficult	2	7
No basis to judge	3	10

8. How would you describe the overall effectiveness of specification-based safety standards versus performance-based standards for improving workplace safety?

	Percent of inspectors
Specification-based safety standards...	
Much more effective	17
More effective	39
About as effective as performance-based standards	26
More ineffective	7
Much more ineffective	2
No basis to judge	9

9. and 14. What proportion of serious worksite safety and health hazards are specifically covered by OSHA safety and health standards?

	Percent of all inspectors	
	Safety hazards	Health hazards
Most or all	59	34
About half	31	35
Few or none	1	5
No basis to judge	9	26

	Percent of safety or health inspectors[a]	
	Safety hazards	Health hazards
Most or all	67	45
About half	32	45
Few or none	1	9
No basis to judge	0	1

[a]Table summarizes only the responses of safety inspectors on safety hazards and only health inspectors on health hazards.

10. and 15. Provide up to three, if any, of the most important safety (health) hazards that should be regulated by specific safety (health) standards but are not.

Inspectors identified 79 specific hazards not covered.

11. and 14. For all of the safety and health hazards observed during your inspections in fiscal year 1988, approximately what percent fell into the categories listed below:

	Average percent reported	
	Safety hazards	Health hazards
Cited employer using specific standard	92	87
Cited employer using general duty clause	5	4
Could not cite employer because neither specific standard nor general duty clause could be used	4	9

13. With the advent of generic health standards such as the hazard communication standard, what will be the need for individual substance standards to regulate workplace health?

	Percent of inspectors
Much greater	14
Greater	27
About the same	37
Lesser	11
Much lesser	1
No basis to judge	11

17. What else would you like to say about safety and health standards?

162 respondents provided 237 comments.

III. Enforcement

Overview

18. and 19. How effective or ineffective is OSHA's overall enforcement program in ensuring safe and healthful worksites and compliance with health and safety standards?

	Percent of inspectors	
	Safe and healthful worksites	Compliance with standards
Very effective	5	4
Effective	35	34
As effective as ineffective	41	42
Ineffective	16	18
Very ineffective	3	2

20. What effect does the possibility of being inspected by OSHA generally have on what employers do to ensure safe and healthful worksites?

	Percent of inspectors
Very great	7
Great	23
Moderate	40
Some	24
Little or no	6

21. Is the current number of compliance officers OSHA has to carry out its enforcement responsibilities about right, or should the number be increased or decreased?

	Percent of inspectors
Greatly increase	60
Increase	35
Stay about the same	4
Decrease	0
Greatly decrease	1

22. How adequately or inadequately has the training provided by OSHA (Training Institute as well as field training) prepared you to perform your overall enforcement responsibilities?

	Percent of inspectors
Very adequately	12
Adequately	45
Moderately	32
Poorly	9
Very inadequately	2

23. What additional training would you like to receive, if any, to improve or enhance your ability to perform your duties as an OSHA inspector?

192 respondents provided 306 comments about additional training needed.

24. For all the inspections you performed during fiscal year 1988, approximately how many times, if any, did employers refuse entry, preventing you from performing your inspections?

On the basis of compliance officer responses, we estimate that in at least 1,092 instances, employers refused entry to OSHA inspectors.

25. How often do you think employers are aware, before the compliance officer arrives, that a targeted inspection is scheduled?

	Percent of inspectors
Always or almost always	0
Usually	1
About half of the time	4
Sometimes	20
Never or almost never	75

26. What else would you like to say about OSHA's overall enforcement activities?

211 respondents provided 306 comments.

Inspection Targeting

27. and 30. How effective are OSHA's inspection policies for targeting the most hazardous worksites for safety and health inspections?

	Percent of all inspectors	
	Safety inspection	Health inspection
Very effective	4	2
Effective	24	17
As effective as ineffective	31	26
Ineffective	17	17
Very ineffective	9	8
No basis to judge	15	31

	Percent of safety or health inspectors[a]	
	Safety inspection	Health inspection
Very effective	6	3
Effective	28	19
As effective as ineffective	36	35
Ineffective	18	25
Very ineffective	10	10
No basis to judge	2	8

[a]Table summarizes only the responses of safety inspectors on safety inspections and only health inspectors on health inspections

28. and 31. What information best identifies the most hazardous worksites for targeting safety and health inspections?

210 respondents identified data for safety inspections. 164 respondents identified data for health inspections.

29. When conducting safety inspections, what information, not currently available to you, could help you better locate sources of safety problems at worksites?

150 of 336 respondents provided comments. Over half of the safety respondents provided comments.

32. When conducting health inspections, what information, not currently available to you, could help you better locate sources of health problems at worksites?

124 of 336 respondents provided comments. Over 60 percent of the health inspector respondents provided comments.

33. What else would you like to say about OSHA's inspection targeting?

170 respondents provided comments.

Complaints

34. How appropriate is OSHA's policy of responding to some complaints with letters rather than inspections?

	Percent o inspector
Very appropriate	2
Appropriate	4
As appropriate as inappropriate	2
Inappropriate	
Very inappropriate	

35. Do you agree with OSHA's criteria as to what kind of complaints will receive letters rather than inspections?

	Percent o inspector
Yes	6
No	3

36. and 37. During fiscal year 1988, in your inspections investigating a specific complaint, what proportion revealed serious, willful, or repeat violations?

	Percent of inspectors	
	When limited to specific complaint	When expanded to comprehensive inspection
Much more than in targeted inspections	6	7
More than in targeted inspections	15	25
About the same	36	43
Less than in targeted inspections	21	4
Much less than in targeted inspections	8	2
No basis to judge	14	19

38. What changes, if any, do you believe should be made to improve OSHA's procedures for responding to complaints?

102 respondents identified changes needed.

Civil Penalties

39. What change, if any, is needed in the civil fines allowed by the OSH Act in order for the penalties to serve as a deterrent to employer safety and health violations?

	Percent of inspectors
Allowable penalties should be	
Greatly increased	46
Somewhat increased	30
Kept the same	21
Somewhat decreased	2
Greatly decreased	1

40. The chart below shows the current maximum allowable penalty by kind of violation. On the basis of your professional judgment and experience, write in the amount that you think the penalty should be so as to serve as a reasonable deterrent.

	Current maximum penalty	Your proposed maximum penalty[a]
Willful violations	$10,000	$25,000
Repeat violations	10,000	15,000
Serious violations	1,000	5,000
Other than serious violations	1,000	1,000
Failure to abate or correct	1,000/day	1,000/day

[a]Over half of the inspectors, on a weighted basis, recommended this maximum penalty or more.

41. OSHA has recently levied some substantially larger initial penalties for egregious violations by permitting assessments of a penalty for each instance of a violation. What effect, if any, do you think this has had on other employers' compliance with OSHA requirements?

	Percent of inspectors
Very great	19
Great	27
Moderate	28
Some	15
Little or no	11

42. Do you believe OSHA should use the "instance-by-instance" approach, described in question 41, more or less often or about the same as it does now?

	Percent of inspectors
Much more	20
More	41
About the same	27
Less	8
Much less	5

43. When employers contest a citation, the settlement agreement reached may result in the lowering of the initial penalty. For the inspections you conducted during fiscal year 1988 in which penalties were reduced, do you believe that given the circumstances, the penalties were generally reduced by about the right amount, too much, or too little?

	Percent of inspectors
Generally reduced by the right amount	44
Generally reduced too little	3
Generally should not have been reduced at all	16
Generally reduced too much	30
No basis to judge	7

44. In addition to current civil penalties available to OSHA, what other penalties or sanctions, if any, would you suggest that may serve as effective deterrents to safety and health violations?

160 respondents provided 211 comments.

45. What else would you like to say about OSHA's civil penalties?

181 respondents provided comments.

Criminal Prosecutions

46. and 47. If criminal sanctions for safety and health violations were used more often by government (federal/state and local), what effect, if any, do you think that would have on reducing violations?

	Percent of inspectors	
	Criminal sanctions used by	
	Federal	State and local
Very great	41	39
Great	40	40
Moderate	11	13
Some	5	5
Little or no	3	4

48. What legislative changes, if any, do you think are needed with respect to criminal penalties?

113 respondents provided 182 comments

49. What administrative changes, if any, do you think would be necessary for OSHA and the Department of Labor to pursue criminal prosecutions more vigorously?

167 respondents provided 180 comments

50. What else would you like to say about the use of criminal sanctions?

119 respondents provided 126 comments

Abatement

51. In the inspections you conducted or supervised in fiscal year 1988, approximately how many employers, if any, did you cite for serious, willful, or repeat violations?

Inspectors reported citing, on weighted average, 71 employers.

52. Of the employers identified in question 51, approximately what percentage fully complied with the terms of the abatement agreement?

	Percent of inspectors
Employers fully complied	72
Employers did not comply	6
Employers for whom I do not know	21

53. Again, of the employers identified in question 51, for approximately what percentage were you satisfied that the abatement agreement made at settlement would correct the problem?

Inspectors reported, on average, that 83 percent of the agreements would correct the problems noted.

54. Which of the following is your principal source of knowledge for knowing whether or not employers comply with abatement settlements?

	Percent of inspectors
Follow-up inspections I conduct	26
Follow-up inspections conducted by another compliance officer	6
Employer's response to letter	53
Employer's response to telephone call	1
Other	13

55. How appropriate is OSHA's policy of using a letter to determine whether a violation has been abated?

	Percent of inspectors
Very appropriate	6
Appropriate	32
As appropriate as inappropriate	38
Inappropriate	18
Very inappropriate	7

56. What changes, if any, do you believe should be made to improve OSHA's abatement-confirmation activities?

237 respondents provided comments.

57. What else would you like to say about OSHA's abatement-confirmation activities?

146 respondents provided comments.

Imminent Danger

58. How strongly do you agree or disagree that in cases of imminent danger, OSHA inspectors should be allowed to carry out immediate shut-down operations without having to first obtain a court order?

	Percent of inspectors
Strongly agree	53
Agree	27
Agree as much as disagree	10
Disagree	7
Strongly disagree	3

59. How adequately or inadequately has the training provided by OSHA (Training Institute as well as field training) prepared you to identify imminent danger situations?

	Percent of inspectors
Very adequately	10
Adequately	35
Moderately	29
Poorly	20
Very inadequately	6

60. In the inspections you conducted during fiscal year 1988, approximately how many times did you find it necessary to have workers removed because of imminent danger?

On the basis of compliance officer responses, we estimate that 2,130 instances occurred in fiscal year 1988.

61. Of those imminent danger situations referenced in question 60, (1) approximately how many were corrected while you were still at the workplace, before or after posting a imminent danger notice, and (2) in how many was it necessary to obtain a temporary restraining order from the court to compel removal of the danger?

On the basis of compliance officer responses, we estimate that about 2,100 of the 2,130 instances identified in question 60 were corrected without a court order.

62. Once the imminent danger situations were discovered, on average, how long would you estimate workers were at risk before a situation was resolved (270 respondents)?

	Percent of inspectors
Less than an hour	71
Between 1 and 4 hours	13
Between 4 and 8 hours	6
More than 8 hours	10

63. Again, for those imminent danger situations referenced in question 60, (1) indicate whether or not there were any situations involving injuries or fatalities while abatement was being achieved and (2) if there were injuries or fatalities, approximately how many of each occurred during fiscal year 1988?

Four respondents identified instances of injuries or fatalities.

64. What else would you like to say about OSHA's responses to imminent dangers?

126 respondents provided comments.

IV. Education and Training Programs

65. In general, how knowledgeable do you believe the following different groups of employers and workers are about safety hazards?

	Percent of inspectors					
	Knowledge of safety hazards					
Employers	Little or no	Some	Moderate	Great	Very great	Don't know
1. Overall, employers as a group	1	25	60	10	2	2
2. Large-sized employers (over 500 workers)	0	4	24	41	30	2
3. Medium-sized employers (100 to 500 workers)	2	16	44	31	5	2
4. Small-sized employers (99 or fewer workers)	19	45	28	5	0	2
5. Employers with safety/health plans	0	13	28	42	15	2
6. Employers without safety/health plans	21	45	25	5	1	2
7. Employers with worker representation	1	12	47	28	8	3
8. Employers without worker representation	22	45	24	6	1	3
Workers						
1. Overall, workers as a group	9	48	38	4	1	1
2. Workers employed by large-sized employers	2	14	44	31	6	2
3. Workers employed by medium-sized employers	6	38	42	11	1	2
4. Workers employed by small-sized employers	44	41	12	1	1	2
5. Workers with safety/health plans	2	19	53	18	6	2
6. Workers without safety/health plans	29	52	13	3	1	2
7. Workers with worker representation	2	25	44	21	5	3
8. Workers without worker representation	32	47	14	3	1	3

66. In general, how knowledgeable do you believe the following different groups of employers and workers are about health hazards?

	Percent of inspectors					
	Knowledge of health hazards					
Employers	Little or no	Some	Moderate	Great	Very great	Don't know
1. Overall, employers as a group	10	40	38	5	2	5
2. Large-sized employers (over 500 workers)	1	7	40	34	12	6
3. Medium-sized employers (100 to 500 workers)	4	33	42	14	2	5
4. Small-sized employers (99 or fewer workers)	42	38	14	2	0	5
5. Employers with safety/health plans	1	21	45	23	5	5
6. Employers without safety/health plans	31	47	12	6	0	5
7. Employers with worker representation	4	29	40	18	3	6
8. Employers without worker representation	36	43	12	3	0	6
Workers						
1. Overall, workers as a group	17	47	27	3	0	5
2. Workers employed by large-sized employers	3	25	43	21	3	5
3. Workers employed by medium-sized employers	10	47	31	7	0	5
4. Workers employed by small-sized employers	59	27	8	1	0	5
5. Workers with safety/health plans	6	32	45	11	1	5
6. Workers without safety/health plans	49	38	7	1	0	6
7. Workers with worker representation	7	37	34	14	1	6
8. Workers without worker representation	53	33	7	0	0	6

67. In general, how knowledgeable do you believe the following different groups of employers and workers are about the OSH Act, regulations, and standards?

	Percent of inspectors					
	Knowledge of act, regulations, and standards					
Employers	Little or no	Some	Moderate	Great	Very great	Don't know
1. Overall, employers as a group	4	31	54	9	2	0
2. Large-sized employers (over 500 workers)	0	6	34	40	19	0
3. Medium-sized employers (100 to 500 workers)	3	26	45	22	3	0
4. Small-sized employers (99 or fewer workers)	29	46	21	4	0	0
5. Employers with safety/ health plans	1	21	46	26	6	0
6. Employers without safety/ health plans	26	51	19	3	0	0
7. Employers with worker representation	2	28	41	21	6	1
8. Employers without worker representation	28	48	20	2	1	1
Workers						
1. Overall, workers as a group	12	49	36	3	0	0
2. Workers employed by large-sized employers	3	25	43	23	5	0
3. Workers employed by medium-sized employers	11	45	36	7	1	0
4. Workers employed by small-sized employers	50	39	9	1	0	0
5. Workers with safety/health plans	6	37	42	12	2	0
6. Workers without safety/ health plans	44	45	8	1	1	0
7. Workers with worker representation	7	39	37	13	2	1
8. Workers without worker representation	54	36	8	0	0	2

68.To what extent does the lack of knowledge or understanding by employers of the OSH Act, regulations, and standards, contribute to safety and health violations and work-related injuries and illness?

	Percent of inspectors				
	Very great	Great	Moderate	Some	Little or no
Safety violations	13	46	25	14	1
Health violations	23	46	22	8	1
Work-related injuries	9	35	38	15	2
Work-related illnesses	15	41	27	15	2

69. To what extent does the lack of knowledge or understanding by workers of the OSH Act, regulations, and standards contribute to safety and health violations and work-related injuries and illness?

	Percent of inspectors				
	Very great	Great	Moderate	Some	Little or no
Safety violations	17	40	24	15	4
Health violations	23	37	19	17	4
Work-related injuries	14	42	22	17	5
Work-related illnesses	18	40	21	15	5

70. Through various programs and services, OSHA provides information to employers and workers regarding safety and health matters. Indicate how effective you think each of the following OSHA programs and services is for educating employers and workers regarding safety and health issues.

	Percent of inspectors					
	Degree of effectiveness					
Educating/training employers	Little or no	Some	Moderate	Great	Very great	Don' know
OSHA Training Institute	14	27	19	25	10	5
OSHA publications	9	28	37	21	3	
Technical advice/assistance	8	19	35	27	9	2
Audiovisual aids	15	34	25	19	1	6
Speakers	6	23	29	30	8	3
Consultation assistance	7	15	29	34	11	5
Voluntary Protection Program	24	25	20	11	7	13
Grants program (New Directions)	24	27	17	8	2	22
Educating/training workers						
OSHA Training Institute	34	19	13	19	8	6
OSHA publications	20	32	27	16	4	
Technical advice/assistance	19	25	26	21	6	3
Audiovisual aids	25	26	23	19	3	3
Speakers	15	26	24	25	8	3
Consultation assistance	26	24	19	18	8	6
Voluntary Protection Program	34	26	15	8	4	13
Grants program (New Directions)	29	25	16	7	3	21

71. What else would you like to say about education and training?

199 respondents provided 403 comments.

V. Employer Involvement

72. OSHA's construction standards require employers to have safety and health programs. How much, if any, have safety and health in the construction industry improved because of these requirements?

	Percent of inspectors
Very greatly	3
Greatly	10
Moderately	25
Somewhat	22
Little or no	18
No basis to judge	23

73. Some employers in general industry have voluntarily developed safety and health programs, and OSHA has published guidelines to assist them in developing such programs. How much would it improve safety and health in general industry if such programs were to be required?

	Percent of inspectors
Very greatly	13
Greatly	36
Moderately	27
Somewhat	17
Little or no	6
No basis to judge	1

74. Should high-hazard employers, repeat violators, both, or neither be required to have safety and health programs?

	Percent of inspectors
High hazard only	3
Repeat violators only	1
Both	90
Neither	2
No basis to judge	5

75. Which employers in general industry, if any, should be exempt from a requirement to develop and implement safety and health programs? (CHECK ALL THAT APPLY)

	Percent of inspectors
No general industry employers	6
General industry employers with fewer than 10 workers	1
Employers in industries with below-average injury and illness rates	1
Employers, regardless of industry category, with below-average injury and illness rates	
All general industry employers	
Other	

76. Would worker safety and health be improved, remain the same, or deteriorate if OSHA was to place greater emphasis on evaluating required employer safety and health programs and less on monitoring compliance with specific standards?

	Percent o inspector
Greatly improve	
Improve	1
Remain the same	1
Deteriorate	4
Greatly deteriorate	1

77. What else would you like to say about employer involvement?

144 respondents provided 178 comments.

VI. Worker Involvement

78. In general, what change, if any, is needed in worker involvement in OSHA's enforcement program?

	Percent of inspectors				
	Much less	Less	No change	More	Much more
Requesting inspections	0	3	38	42	17
Accompanying OSHA inspectors	0	1	34	47	18
Participating in settlement discussions	0	0	30	49	20

79. In general, how adequately do most OSHA inspectors explain section 11(c) antidiscrimination provisions during their opening conferences?

	Percent of inspectors
Very adequately	11
Adequately	45
Moderately	28
Poorly	11
Not explained at all	6

80. Approximately what proportion of workers do you believe are knowledgeable about their rights under section 11(c) procedures?

	Percent of inspectors
All or almost all	0
Most	4
About half	17
Some	46
Few or none	33

81. Overall as a group, how free do you believe workers are to exercise their section 11(c) rights? (For example, to talk confidentially with OSHA inspectors.)

	Percent o inspector
Free to exercise rights	
Moderately free to exercise rights	2
Somewhat free to exercise rights	4
Not free to exercise rights	2

82. In general, how well protected do workers believe they will be by section 11(c) procedures if they report violations to OSHA against their employers?

	Percent c inspector
Very well	
Well	
Moderately	1
Somewhat	3
Little or not	4

83. In general, how well do you believe workers are protected by sectio 11(c) procedures when they report violations by their employers to OSHA?

	Percent c inspector
Very well	
Well	
Moderately	2
Somewhat	3
Little or no	2

84. What else would you like to say about worker involvement?

136 respondents provided 190 comments.

85. Any other comments?

75 respondents provided 109 comments.

Comments From the Department of Labor

U.S. Department of Labor

Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20210

OCT 4 1990

Mr. Franklin Frazier
Director of Education
and Employment Issues
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Frazier:

The draft General Accounting Office (GAO) report, "Inspector opinions of the OSHA Program," which the Occupational Safety and Health Administration (OSHA) has reviewed, presents the results of a survey mailed in May 1989 to all of the agency's field first-line supervisors and a randomly selected sample of approximately one-third of OSHA's compliance safety and health officers (CSHOs).

OSHA's concerns are not with the survey or its results, but rather with its timing. In our letter to you of June 19, 1990 (which appears as Appendix IV to the GAO report issued earlier this month, Options for Improving Safety and Health in the Workplace), we stated our belief that throughout that report GAO placed too much reliance on the results of the survey it had conducted of 322 OSHA compliance officers and 155 first-line supervisors. We also noted that by consulting only first-line supervisors, GAO had failed to tap one of the most important sources of professional expertise in the agency--OSHA's Regional Administrators, Area Directors, and other senior field managers. Elsewhere in our letter of June 1990, we noted that GAO had presented a comprehensive overview of the problems facing Secretary Dole and myself when I assumed office on October 6, 1989, but that since that time there had been significant changes in OSHA's operations. Moreover, since my letter of June 1990, the pace of change in the agency has, if anything, accelerated.

It is our conviction that a number of the opinions represented in GAO's draft report, "Inspector Opinions of the OSHA Program," reflect an institutional state of mind which may have changed over the past year. While the opinions GAO presents have historical relevance, we believe they may have less relevance to the current opinions of OSHA inspectors. Never before in the agency's history, has our field staff been involved as much as it has in the past year in planning for the agency's future.

Nonetheless, we are continuing to evaluate, most seriously, all of the options proposed by GAO in its "Options" report. I am pleased to note that a number of the issues raised in those

options are already being addressed by OSHA as the agency strives to develop programs and policies to improve workplace safety and health.

Since the results of the survey were not issued along with the "Options" report, readers of the "Inspector Opinions" report will have no way of knowing that what they are reading may not represent current inspector opinions of the OSHA program. Under the circumstances I am sure you will agree that this letter be printed along with your forthcoming report, "Inspector Opinions of the OSHA Program."

Sincerely,

Gerard F. Scannell
Assistant Secretary

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Related GAO Products

Occupational Safety & Health: Options for Improving Safety and Health in the Workplace (GAO/HRD-90-66BR, Aug. 24, 1990).

How Well Does OSHA Protect Workers From Reprisals: Inspector Opinions (GAO/T-HRD-90-8, Nov. 16, 1989).

Occupational Safety & Health: OSHA Contracting for Federal Rulemaking Activities (GAO/HRD-89-102BR, June 16, 1989).

Occupational Safety & Health: California's Resumption of Enforcement Responsibility in the Private Sector (GAO/HRD-89-82, Apr. 17, 1989).

Occupational Safety & Health: Assuring Accuracy in Employer Injury and Illness Records (GAO/HRD-89-23, Dec. 30, 1988).

OSHA's Resumption of Private Sector Enforcement Activities in California (GAO/T-HRD-88-19, June 20, 1988).

OSHA's Monitoring and Evaluation of State Programs (GAO/T-HRD-88-13, Apr. 20, 1988).

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